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Assembly Proceedings

Official Report

Bengal Legislative Assembly

Tenth Session, 1941

The 3rd, 4th, 7th, 9th, 21st, 22nd and 23rd
April, 1941.

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency SIR JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.

(2) The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

(3) The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

(4) The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of Public Health (including Medical) and Local Self-Government Departments.

(5) The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar, in charge of Communications and Works Department.

(6) The Hon'ble Mr. HUSEYAN SHAHEED SUHRAWARDY, in charge of Finance, Commerce and Labour Departments.

(7) The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.

(8) The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forests and Excise Departments.

(9) The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Departments.

(10) The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of Agriculture and Industries (including Veterinary) and Rural Reconstruction Departments.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadu

DEPUTY SPEAKER.

M. ASHRAFALI, Esq., Barrister-at-law.

SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

FIRST ASSISTANT SECRETARY.

Rai N. N. SEN GUPTA Bahadur.

SECOND ASSISTANT SECRETARY.

Khan Sahib QUAZI MUHAMMAD SADRUL OLA.

REGISTRAR.

A. B. CHATERJI, Esq.

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS.

(Official Report of the Tenth Session.)

Volume LIX—No. 6.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The Assembly met in the Assembly House, Calcutta, on Thursday, the 3rd April, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 6 Hon'ble Ministers and 183 Members.

STARRED QUESTIONS

(to which oral answers were given)

Damodar Canal Project.

*201. **Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether some people of the Burdwan district have applied to the Government for extension of the projects in the Damodar Canal for irrigation?

(*b*) If so, what action, if any, have the Government taken in the matter?

The Hon'ble Mr. TAMIZUDDIN KHAN (on behalf of the Hon'ble Maharaja Srishchandra Nandy, of Cossimbazar): (*a*) Yes.

(*b*) The matter is under consideration.

Sluice gate over the Mandakini in Chittagong.

*202. **Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*i*) whether distress prevails in Mandakini and adjoining villages in police-station Hathazari, district Chittagong, for want of proper irrigation during the dry season of the year; and

(*ii*) whether the local people applied to the Collector of the district or the Irrigation Department for construction of a sluice gate over the rivulet Mandakini near the Udalia Tea Garden Bungalow in police-station Hathazari to irrigate the areas concerned?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action Government propose to take in the matter?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) No.

(*b*) Does not arise.

Reduction in the rate of stipends in Guru Training Schools.

***203. Maulvi ABDUL JABBAR:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the stipend granted to the *gurus* in Guru Training Schools has been reduced this year from Rs.10 to Rs.7 in the district of Dinajpur; and

(*ii*) that the reduction of stipend has caused hardship to the poor *gurus*?

(*b*) If the answer to (*a*)(*i*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for reduction of the stipend?

(*c*) Is the Hon'ble Minister considering the desirability of restoring the old rate of stipend at Rs.10 per month?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Yes; the reduction has been made in all districts.

(*ii*) No, since the teachers, as soon as they come out successful, will be absorbed in Board Primary Schools on salaries by no means unattractive.

(*b*) To prescribe a flat rate of stipends for all primary training schools instead of the two different rates of stipends, viz., Rs.5 for training centres and Rs.10 for Guru Training and Muallim Training Schools, that existed before.

(*c*) No.

Maulvi ABDUL JABBAR: With reference to question (*a*)(*ii*), is the Hon'ble Minister aware that due to the reduction in the rate of stipends many poor Gurus find it difficult to meet their expenses during the period of their study?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware. It may be possible.

Reduction of stipends to pupils in Guru Training Schools in Murshidabad.

*204. **Mr. SYED BADRUDDUJA:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the stipends to the pupils in the Guru Training Schools have been reduced this year from Rs.10 to Rs.7 in the district of Murshidabad?

(*b*) If so, will the Hon'ble Minister be pleased to state whether the Government have taken any steps to ascertain whether the reduction of stipends has caused hardships to the *gurus*?

(*c*) Is the Hon'ble Minister considering the desirability of restoring the old rate of stipends at Rs.10 per month to the *gurus* of the district?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes, as in every other district.

(*b*) There will be no hardship, because as soon as the teachers come out successful they will be absorbed in Board Primary Schools on salaries by no means unattractive.

(*c*) No.

Opening of grazing lands for cattle throughout the Province.

*205. **Mr. SERAJUL ISLAM:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department considering the desirability of opening well-organised and well-managed grazing lands for cattle throughout the Province?

(*b*) If so, what steps do the Government propose taking in the matter?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) No.

(*b*) Does not arise.

(*c*) The member is referred to the answer given to clause (*b*) of his starred question No. 54, answered on the 21st February, 1939, a copy of which is laid on the Library table.

Mr. CHARU CHANDRA ROY: *Will the Hon'ble Minister be pleased to state how many cuttings of Napier grass have been distributed throughout the province up to 31st December, 1940?*

Mr. SPEAKER: That question does not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether he is aware of the fact that in all villages there are big *halots* which are generally used for carts as well as for grazing land?

Mr. SPEAKER: What is the meaning of "*halot*"?

Mr. CHARU CHANDRA ROY: I think, Sir, the Hon'ble Minister understands it.

Mr. SPEAKER: Let us have the privilege of understanding also. (Laughter.)

Mr. CHARU CHANDRA ROY: "*Halot*" means pathway generally. It is generally 1 *bigha* or 2 *bighas* of land lying in marshy place not used for cultivation, but used for grazing and for carts to pass.

Mr. SASANKA SEKHAR SANYAL: It is also called "*dohor*".

Mr. SPEAKER: Mr. Roy, your friend says it is a substitute for "*dohor*".

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, such *halots* do exist in many villages.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state that these *halots* are not in existence? They have been recorded in settlement, but the owners of the lands adjoining these lands have broken the *halots* and joined those lands with their own lands.

Mr. SPEAKER: Like the district board side lands?

Mr. CHARU CHANDRA ROY: Yes, Sir. Is the Hon'ble Minister aware of the fact?

Mr. SPEAKER: Somehow it is the tendency of human nature just to go beyond one's own limit.

Mr. SYED JALALUDDIN HASHEMY: *Government can prevent* this encroachment.

Mr. CHARU CHANDRA ROY: Sir, *halots* are recorded in the name of the King-Emperor in the zero *khatian*.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the first question was whether I am aware of the existence of such *halots*, and I have answered that to my knowledge such *halots* exist in some places. Then the question is whether I am aware that those *halots* are not in existence now. He has contradicted himself. Should I also do the same thing?

Mr. CHARU CHANDRA ROY: My question is whether the Hon'ble Minister is aware that such lands are being encroached upon by the owners of the adjoining lands.

Mr. SPEAKER: All over Bengal?

Mr. CHARU CHANDRA ROY: Yes, all over Bengal. Will Government make an enquiry into the matter and issue orders stopping such encroachment and keep the *halot* intact so that it may be used as grazing land and also as pathway?

Mr. SPEAKER: If I were a Minister I would accept the suggestion and pass a law by which every member of the Legislature should be responsible for sending reports to Government.

Mr. CHARU CHANDRA ROY: We can send reports, but it will be the duty of the Subdivisional Officer to look into this or the President of the Union Board may be asked to do it.

Mr. SPEAKER: The man who has been condemned in this House on all sides!

Mr. CHARU CHANDRA ROY: Sir, my submission is that the *halot* is recorded in the zero *khatian* in the name of the King-Emperor and it is the duty of Government to maintain it.

The Hon'ble Mr. TAMIZUDDIN KHAN: If specific instances are brought to the notice of the Government, certainly Government will consider it.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister consider the desirability of issuing a circular throughout the province asking the Union Boards to maintain and protect from encroachment these public paths as far as possible?

The Hon'ble Mr. TAMIZUDDIN KHAN: *Sir, you have allowed certain questions. How do these public paths come in?*

Mr. SPEAKER: He brought the question of *dohor*. (Laughter.)

Grant of bails in Chittagong Criminal Courts.

***206. Khan Bahadur Maulvi JALALUDDIN AHMAD:** (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware—

(*i*) that a situation has been created by the Criminal Courts of Chittagong refusing to accept bail, even in ordinary summons and warrant cases, from persons other than those mukhtears and pleaders who are members of the District and Criminal Bars of Chittagong;

(*ii*) that some time back the District Magistrate asked the District and Criminal Bars of Chittagong to submit a list of members with their financial capacities;

(*iii*) that the said Bars refused to submit such a list;

(*iv*) that the members of the said Bars are not standing as sureties; and

(*v*) that persons accused of minor offences, not being able to furnish bail, are being sent to jail?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

(Parliamentary Secretary) Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) Yes. It was created for the time being. (Bonds are accepted from anyone known to be a solvent person. Bonds from lawyers are naturally preferred as they are known to the Magistrates.)

(*ii*) Yes. It was necessary for the time being.

(*iii*) A majority of the lawyers refused to do so.

(*iv*) Some of them stood surety, but most of them did not.

(*v*) Accused persons necessarily had to go to jail while the fitness of the surety was being tested in view of the surety having been unknown to the Court.

(*b*) No action is necessary. The lawyers have accepted the suggestions of the local officers and at present no difficulty is being experienced.

Grant of bail to litigants of Chittagong.

*207. **Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware—

(*i*) that the present Additional District Magistrate, Chittagong, by his Memo. No. 1270(2)J.M., dated the 18th May, 1940, asked the District and Criminal Bars of Chittagong to submit a list of their unencumbered properties;

(*ii*) that the said Bars refused to supply such a list;

(*iii*) that the members of the said Bars are debarred from standing sureties;

(*iv*) that persons are being sent to *hajat* for not being able to furnish bail; and

(*v*) that there exists a feeling over this matter in the district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reason for asking the property list of the Bars by the said Additional District Magistrates; and

(*ii*) the names of any other districts in the Province where such demands have been made?

(*c*) Will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

(Parliamentary Secretary) Mrs. HASINA MURSHED: (*a*) (*i*) Yes.

(*ii*) A majority of the lawyers refused to do so.

(*iii*) Some of them stood surety, but most of them did not.

(*iv*) Accused persons necessarily had to go to jail while the fitness of the surety was being tested in view of the surety having been unknown to the Court.

(*v*) Yes. It existed for the time being.

(*b*) (*i*) To ascertain whether the lawyers who stand surety are solvent persons.

(*ii*) This practice in some form or other obtains in all the districts excepting Chittagong Hill Tracts where there are no lawyers.

(*c*) No action is necessary. The lawyers have accepted the suggestions of the local officers and at present no difficulty is being experienced.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble the Parliamentary Secretary be pleased to state whether this policy of rigidity in the matter of granting bail whereby people are kept in *hajat* involves extra expenditure on the part of the Government which should be avoided?

(Parliamentary Secretary) Mrs. HASINA MURSHED: I ask for notice.

Recruitment of Assistant Superintendent, Bengal Government Press.

***209-210. Maulvi ABDUL WAHAB KHAN and Maulvi ABDUL HAKIM VIKRAMPURI:** (*a*) Is the Hon'ble Minister in charge of the Finance Department aware—

(*i*) that there is no Muslim gazetted officer in Bengal Government Press, Alipore; and

(*ii*) that the Communal Ratio Officer suggested that the post of Assistant Superintendent, Bengal Government Press, should be filled up by a Muslim?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the post of Assistant Superintendent, Bengal Government Press, has since been permanently filled up;

(*ii*) the number of applications received from—

(1) Muslims, and

(2) non-Muslims,

(*iii*) the number of candidates interviewed—

(1) Muslims, and

(2) non-Muslims;

(*iv*) the minimum and maximum age-limit fixed for the post; and

(*v*) the name, age and qualifications of the nominated candidate?

(*c*) Is the Hon'ble Minister considering the desirability of filling up the post by a suitable Muslim candidate?

(*d*) If not, will the Hon'ble Minister be pleased to state reason thereof.

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) Yes.

(*ii*) Since the vacancy was *advertised* Government have decided to reserve this vacancy for a Muslim.

(*b*) (*i*) No.

(*ii*) and (*iii*) By the courtesy of the Public Service Commission, it has been ascertained that applications were received from 6 Muslims and 28 non-Muslims and the number of candidates interviewed were 4 Muslims and 8 non-Muslims.

(*iv*) In the notice inviting applications it was stated that candidates must not be less than 27 or more than 35 on 1st April, 1941. There was a rider to the effect that these restrictions might be waived in the case of a candidate already in Government service.

(*v*) The Public Service Commission have recommended Mr. A. K. Guha, aged 23 years and 3 months. His qualifications are as follows:—

Passed the I.Sc. Examination of the Calcutta University. Obtained Certificate of Training at the College of Technology, Manchester. Did a course of practical training in Manchester and Southampton. On return from England was employed in the Thacker's Press and in the Calcutta Corporation Press. Has worked as Assistant Superintendent, Bengal Government Press, in a temporary capacity since July, 1939, where his work has been found satisfactory.

(*c*) Yes.

(*d*) Does not arise.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to explain in view of the fact that the Government have decided to reserve the second post for a Muslim, what was the necessity for granting interviews to eight non-Muslims?

The Hon'ble Mr. H. S. SUHRAWARDY: The answer is there. The decision of Government was made after the vacancy was advertised.

Nabaganga river.

Mr. ATUL KRISHNA GHOSE: Sir, as the Hon'ble Minister in charge of Communications and Works Department is not here, I request that the question may be held over. My apprehension is that the Hon'ble Mr. Tamizuddin Khan may not be in a position to reply to the supplementary questions that may be asked by me.

The Hon'ble Mr. TAMIZUDDIN KHAN: I hope to be able to answer all the questions.

*211. **Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that the river Nabaganga is being silted up in various places, particularly in the area between Ghorakhali and Lohagara and between Chaulia and Magura;

(*ii*) that the people can cross the river on foot in various parts of the river;

(*iii*) that the water gives out bad smell in the months of the Summer season due to overgrowing weeds in the river; and

(*iv*) that the District Magistrate of Jessore and the Subdivisional Officer of Narail have chalked out a scheme for resuscitating the river Nabaganga between Ghorakhali and Lohagara?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to lay a copy of the scheme on the table and to state the approximate cost thereof?

(*c*) If no scheme has yet been prepared, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) (*i*) Yes.

(*ii*) Yes, in some parts.

(*iii*) I am informed that the water does not give out bad smell.

(*iv*) Yes, a scheme is in contemplation and the details are being worked out.

(*b*) It is not yet ready.

(*c*) The river Nabaganga is intimately connected with other rivers of Central Bengal, so the question of improvement of all these rivers is being dealt with in a comprehensive manner. I am afraid it will take some time before a scheme is prepared.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*b*), will the Hon'ble Minister be pleased to state when it will be ready?

The Hon'ble Mr. TAMIZUDDIN KHAN: I would refer my honourable friend to answer (*c*). It will take some time before the scheme is prepared.

Mr. ATUL KRISHNA GHOSE: "It will take some time" is no reply. I would like to know definitely from the Hon'ble Minister within what time this scheme will come out and be published and when action will be taken on it?

The Hon'ble Mr. TAMIZUDDIN KHAN: No definite answer can be given.

Mr. ATUL KRISHNA GHOSE: *Is the Hon'ble Minister* aware of the fact that an evasive reply that a scheme is being prepared is being given for the last four years?

Mr. SPEAKER: I think you are much too mild.

The Hon'ble Mr. TAMIZUDDIN KHAN: That may be so.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that the District Magistrate of Jessore and the Subdivisional Officer, Narail, along with the members of the District Board have chalked out a plan especially for the area between Ghorakhali and Lohagara, and, if so, what is that plan?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: That is what I apprehended. May I again request you, Sir, to hold over the question?

Mr. SPEAKER: No.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that there are four or five points between Naldanga and Lohagara which, if not opened by a dredger, may be silted up altogether in the course of one or two years?

Mr. SPEAKER: How will the dredger enter the river? It cannot be taken by the railway.

Mr. ATUL KRISHNA GHOSE: It can go by the Madhumati.

Mr. SPEAKER: It cannot enter.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Mr. NIHARENDU DUTTA MAZUMDAR: May I invite your attention to question No. 85 in the midst of unstarred questions?

Mr. SPEAKER: Please draw my attention when we come to that.

Mr. NIHARENDU DUTTA MAZUMDAR: *Possibly through over-*sight it has been put in the list of unstarred questions. I gave notice of it as a starred question as far as I remember. I therefore suggest that it might be taken up as a starred question.

Mr. SPEAKER: I will see to that.

Allowances drawn by members for attending Select Committee meetings.

79. Khan Bahadur AULAD HOSSAIN KHAN: Will the Deputy Speaker of the Bengal Legislative Assembly be pleased to lay on the table a statement showing separately—

(*i*) travelling allowance,

(*ii*) daily allowance, and

(*iii*) conveyance allowance,

drawn by each member for attending Select Committee meetings in the years 1937-38, 1938-39, 1939-40, and 1940-41 up to February, 1941?

(Deputy Speaker) Mr. M. ASHRAFALI: A statement is laid on the Library table.

Establishment of a Nautical School at Chittagong Port.

80. Dr. SANAULLAH: (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that the districts of Chittagong and Noakhali supply majority of seamen and mariners in various parts of India?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of approaching the proper authorities for the establishment of a Nautical School at the Port of Chittagong to serve as a training centre for the recruitment of various crew of the future Indian Navy and the Mercantile Marine?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) I am not aware if the districts of Chittagong and Noakhali supply the majority of seamen and mariners in various parts of India, but I believe that a greater portion of seamen and mariners in the port of Calcutta come from Chittagong and Noakhali.

(*b*) No. The comparatively poor response shown by boys from Bengal for training on the "Dufferin" in spite of facilities afforded by Government, does not inspire hope of success of a Nautical School in Bengal.

Stipends for Scheduled Caste students in Mymensingh district.

81. Mr. AMRITA LAL MONDAL: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether stipends from the special fund reserved for the Scheduled Caste students reading in school have been given to any Scheduled Caste students of the Tangail, Jamalpur and Mymensingh (Sadar) subdivisions for the Mymensingh district during the years 1939 and 1940?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the number of the recipients of such stipends and their names;

(*ii*) amount of stipends given to each; and

(*iii*) the schools to which each of the stipend-holders belong?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes for the calendar year 1940 only.

(*b*) (*i*) and (*iii*) A statement furnishing the information is laid on the table.

(*ii*) Rs. 4 per month.

Statement referred to in the reply to clauses (b)(i) and (iii) of unstarred question No. 81.

Name of sub-division.	Name of school.	Serial No.	Name of stipend-holder.
1	2	3	4
Tangail ..	Jamurki High English ..	1	Narayan Chandra Rajakdas.
	Nagarpur High English	2	Suresh Chandra Biswas.
	Ditto ..	3	Fanibhushan Kaibartadas.
	Ditto ..	4	Govindalal Sarkar.
	Santosh Jahnavi ..	5	Manimohon Das.
	Ditto ..	6	Govinda Chandra Das.
	Suti Vernacular Middle	7	Dinesh Chandra Das.
	Tangail B. B. ..	8	Sadhucharan Taranidas.
	Ditto ..	9	Dinesh Chandra Das.
	Ditto ..	10	Birendra Mohon Das.
	Ditto ..	11	Sudhir Kumar Majumder.
	Dhubaria ..	12	Mati Laul Roy.
	Ditto ..	13	Rangalal Sarkar.

Name of sub-division.	Name of school.	Serial No.	Name of stipend-holder.
1	2	3	4
Tangail—*concld*	Dhubaria ..	14	Satish Chandra Sarkar.
	Ditto ..	15	Suresh Chandra Biswas.
	Ditto ..	16	Gopal Chandra Biswas.
	Ditto ..	17	Nanigopal Neogi.
	Ditto ..	18	Harendra Kumar Roy.
	Pakutia ..	19	Sahadeb Kaibartadas.
	Tangail Sibnath ..	20	Kartik Chandra Das.
Jamalpur ..	Nandina ..	21	Sricharan Das.
	Sherpur ..	22	Kumud Ranjan Barman.
	Balijuri ..	23	Chinteswar Barman.
	Ditto ..	24	Bidhubhusan Barman.
	Ditto ..	25	Agniswar Barman.
	Nilakhia ..	26	Ramhari Das.
Mymensingh, Sadar.	Mymensingh Zilla ..	27	Shyamlal Nunia.
	Ditto ..	28	Sudhir Chandra Mallik.
	Gafargaon ..	29	Biswesvar Roy.
	Ditto ..	30	Nagendra Chandra Barman.
	Ditto ..	31	Girindra Chandra Tilakdas.
	Ditto ..	32	Purnamashi Rabidas.
	Ghoshgaon ..	33	Rajendra Chandra Namadas.
	Iswarganj ..	34	Phanindra Chandra Das.
	Mrityunjoy High English	35	Nagendra Chandra Das.
	Ditto ..	36	Jogesh Chandra Das.
	Kandipara ..	37	Nagendra Gopal Das.
	Ditto ..	38	Rashbehari Biswas.
	Ditto ..	39	Thakurdas Bhowmik.
	Ditto ..	40	Raimohon Das.
	Ditto ..	41	Jatindra Mohon Tilakdas.
	Ditto ..	42	Krishna Chandra Das.
	Jatia High English ..	43	Sudhangsu Mohon Das.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state on what basis these stipends are distributed? In the statement we find that in some places as many as eight students have got stipends, in some places one or two, and in some other schools no boy has got any stipend. May we ask the Hon'ble Minister to state the basis on which the stipends are given?

Mr. SPEAKER: You want this money to be distributed all over Mymensingh to every school?

Mr. CHARU CHANDRA ROY: I want to know the basis.

The Hon'ble Mr. A. K. FAZLUL HUQ: All I can say is the Scheduled Castes Education Committee has framed rules, and these rules have been forwarded to the district authorities, and stipends are distributed in accordance with the instructions and judgment of the District Inspector of Schools.

Removal of cross bund on Dhaporekhal.

84. Mr. PATIRAM ROY: (*a*) With reference to the reply given to clauses (*a*) (*iv*), (*v*) and (*b*) of starred question No. 102 on the 2nd August, 1940, will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the cross bund on the Dhaporekhal, police-station Ashashuni, in the district of Khulna, has been causing damage to paddy crops year after year in the Takipur mauza?

(*b*) Is it a fact that on account of the blockade of water caused by the said bund public health has been in danger?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose taking for removal of the bund?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid I have nothing more to add at present to what I said on the 2nd August, 1940, in reply to the honourable member's starred question No. 102. The report of enquiry by our officers is awaited.

Election of members of the Governing Body of the Feni College.

85. Mr. NIHARENDU DUTT MAZUMDAR: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that Mr. Santimoy Dutta, Khan Bahadur M. Gofran and Mr. F. Karim were

elected members of the Governing Body for the Feni College this year by the General Committee of the College presided over by the Subdivisional Officer?

(*b*) If so, will the Hon'ble Minister be pleased to state whether the election of all the three members mentioned above has been approved by the Government?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) in whose case the requisite approval has been withheld; and

(*ii*) the reason thereof?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The Principal, Feni College, reported in November last that according to the Rules of Constitution of the College the General Committee of the College had elected the following two gentlemen to the Governing Body:—

(1) Babu Santimoy Datta, B.L.,

(2) Khan Bahadur Maulvi Abdul Gofran, B.L., Public Prosecutor, Noakhali.

There was no mention of the name of Mr. F. Karim. As a matter of fact, the General Committee is entitled to elect only two members to the Governing Body (one Hindu and one Muslim), *vide* rule 22 of the Rules for the Management of the Feni College.

(*b*) No.

(*c*) (*i*) The Director of Public Instruction, whose approval is required under the grant-in-aid rules, has not approved of the election of Babu Santimoy Datta.

(*ii*) The District Magistrate and President, Feni College, reported as follows:—

"This gentleman is an ex-detenu and was recently convicted and sentenced to suffer imprisonment for six months under the Defence of India Rules. The atmosphere in the Feni College is not very healthy and the Hindu students of the college have been reported by the Police to have taken part in political meetings and demonstrations from time to time. I think in the interests of the Feni College and in the interests of the District administration in general it will not be desirable to allow Santimoy Datta to continue as a member of the Governing Body."

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Director of Public Instruction in withholding the approval to the election of Srijut Santimoy Datta

to the Governing Body acted in accordance with any specific instruction of Government directing that ex-detenus should be excluded from governing bodies of educational institutions?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government have issued no instruction. The Director of Public Instruction took all the facts into consideration and acted on his own discretion.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the District Magistrate's report took into consideration this fact which has just been stated by the Hon'ble the Chief Minister, namely, that it is not the policy of Government to exclude a detenu from governing bodies of educational institutions?

The Hon'ble Mr. A. K. FAZLUL HUQ: No hard-and-fast rule can be laid down. Each case shall be judged on its own merits; and Government do not generally interfere with the discretion of the local officer.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government in this particular case gave its approval to this discrimination against Mr. Santimoy Dutt?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government will reconsider the Director of Public Instruction's action in withholding approval and consider the question of approving the election of Srijut Santimoy Dutt?

The Hon'ble Mr. A. K. FAZLUL HUQ: The matter is not before the Government at all.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to consider the desirability of considering any representation for approving the election of Babu Santimoy Dutt?

The Hon'ble Mr. A. K. FAZLUL HUQ: If a representation is received, I shall see what I can do.

Appeals pending from Debt Settlement Board at Subdivisional Officer's Court at Barisal.

87. Srijut NARENDRA NATH DAS GUPTA: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that at Subdivisional Officer's Court at Barisal many cases of appeal from Debt Settlement Boards have remained pending for more than a year;

(*ii*) that no judgment has been delivered even though arguments were heard some months ago;

(*iii*) that in connection with Miscellaneous Appeal No. 5 (3) of 1939, in which Rahim Sikder is the appellant and Hrishikesh Chakravorty, respondent, no judgment has as yet been delivered though the argument was heard on the 16th August, 1939;

(*iv*) that in connection with Miscellaneous Case No. 1 of 1940 (Karimjan Bibi *vs.* Montaz Gazi and others), argument was heard in July, 1940, and no judgment has as yet been delivered; and

(*v*) that in connection with Miscellaneous Appeal No. 54 (3) of 1940 (Jaynalabedin Bakshi and others *vs.* Jitendranath Saha and others), the argument was heard on the 24th September, 1940, and no judgment has yet been delivered?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he proposes to take for the early disposal of the cases?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) No.

(*ii*) Due to pressure of work there has been delay in delivering judgment in some cases.

(*iii*) to (*v*) No; judgments have been delivered.

(*b*) Collector has been asked to expedite these appeals.

Srijut NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that in these cases judgments were delivered after my question was received in the department, that is, after the 4th of March?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir. Judgments in these cases had been delivered before the question was received.

Srijut NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister in a position to contradict my statement that the judgments were actually delivered after the 6th of March, but my question reached the department on the 4th March?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think that with a view to removing the misapprehensions of the honourable member, I had better tell him that his question was received in the Assembly Department on the 5th of March; but so far as the judgments are concerned, the first one was delivered on the 3rd January, 1941, the second one on the 4th February, 1941, and the third one on the 31st January, 1941.

Srijut NARENDRA NATH DAS GUPTA: Is it not a fact that in trying these cases the Magistrate in question delivered the judgments with back dates after the 6th March, 1941?

Mr. SPEAKER: I am sorry that question does not arise.

Srijut NARENDRA NATH DAS GUPTA: Sir, I have got definite information about that.

Mr. SPEAKER: But you ought to know that allegations of this nature cannot be made in this House.

Supersession of Hindu officers in the Agriculture Department.

88. Srijut NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that Hindu officers in the Agricultural Department, Dacca, are being generally superseded by junior Muslim officers?

(*b*) Have the Government issued any circular to the effect that persons of any community holding temporary posts or officiating continuously for a period of three years or more should be made permanent at the first opportunity and the communal ratio should be adjusted later on?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) No. Promotions are made strictly in consideration of merit and seniority in case of equal merit irrespective of the community to which officers selected for promotion belong. Most of the promotions recently made, however, are of a temporary nature.

(b) No. Only in a case in which the application of the Communal Ratio Rules would cause undue hardship to, or involve the discharge or supersession of any person who has continuously held a temporary post for a period of three years or more, such person, if otherwise eligible, may be appointed to the permanent post created in place of the temporary post in question, leaving the deficiency in communal ratio to be adjusted, while making next ordinary permanent appointments. This does not apply in the case of officers officiating in permanent posts.

Committee of Enquiry for the Dacca Disturbances.

Mr. ATUL CHANDRA SEN: Mr. Speaker, Sir, on the 31st of March, 1941, I gave notice of a special motion proposing a Committee of Enquiry to be constituted to report on the disturbances at Dacca. I have since received a letter that if consent is given by the Home Department, the matter will come up to-morrow. I do not know, Sir, what has happened to it.

Mr. SPEAKER: I will enquire and let you know.

GOVERNMENT BILLS.

The Bengal Motor Spirit Sales Taxation Bill, 1941, as passed with amendments by the Bengal Legislative Council.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the amendments made by the Bengal Legislative Council in the Bengal Motor Spirit Sales Taxation Bill, 1941, be taken into consideration.

The motion was then put and agreed to.

Mr. SPEAKER: Does the amendment No. 1 fit in?

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir; it fits in quite well.

Mr. SPEAKER: What I mean is that you have changed it at one place but this very thing appears in two places.

Mr. SYED JALALUDDIN HASHEMY: On that ground do you think it is out of order?

Mr. SPEAKER: No, no. What I say is that it must be at both the places.

Mr. SYED JALALUDDIN HASHEMY: All right, Sir.

Sir, I beg to move that in clause 4(2), for the words "districts, villages or towns," the words "district or town" be substituted in both the places.

In this connection, Sir, I want to know from the Hon'ble the Finance Minister why this innovation has been made by the Upper House; why the word "village" has been introduced.

Mr. SPEAKER: It must be so when there is both district and town.

Mr. SYED JALALUDDIN HASHEMY: There is no such business in the village; at least I do not know whether there is any such village in the province where such business is carried on. If there is no such village, it is absolutely redundant.

I beg also to move that in clause 4, sub-clause (7) be omitted.

Sir, this is very important. We do not know who that prescribed authority will be, and we also do not know what those prescribed conditions will be. You find in clause 5 the word "prescribed" occurs in at least half a dozen places. In the face of these things, we are not prepared that the holder of a licence shall not be entitled to any compensation for any loss if suffered by him as a result of suspension or cancellation of his licence under sub-section (6) of section 4. Sir, if the licence is cancelled or suspended by the prescribed authority illegally, certainly the dealer has a right to claim damages from Government or from the authority to be prescribed for the purpose. This sub-section (7) of section 4 deprives the dealer from exercising his elementary right of getting compensation if the work is done illegally. Therefore, Sir, this House considered this matter and, so far as I remember, it was deleted then, but in the Upper House this has been added possibly—of course I do not exactly remember. I move, Sir, that this sub-section (7) be deleted.

Mr. MD. ABUL FAZL: Sir, I support the motion of Mr. Syed Jalaluddin Hashemy, but if that fails, I beg to move that after the words "by him" in clause 4(7), in line 2, the words "for his wilful negligence or fault" be inserted.

Sir, the holder of a licence shall not be entitled to any compensation for any loss or damage if suffered by him as a result of suspension or cancellation of his licence under sub-section (6) of section 4. That is sub-section (7). That will be an injustice if for no fault of his he does not get any compensation for loss or damage. Sub-section (b) of section 4 says: "If the holder of the licence has ceased to carry on the business

or has sold or otherwise transferred his interest in the business in respect of which the licence was granted." In this case, the latches may be on the part of the authorities, so that the holder of a licence may suffer once again. So, I think that the words "for his wilful negligence or fault" should be inserted after the words "by him."

Mr. ATUL KRISHNA GHOSE: Sir, I do not understand why my amendments have been put in a different sheet of paper in a typed form. I have of course no objection to have them in a typed form, but difficulty arises if these are not arranged systematically clause after clause. The fate of my amendments will then be like my amendments on the Bengal Finance (Sales Tax) Bill.

Mr. SPEAKER: Your fate is just below clause 4 in my paper. I am seeing whether your motion is in order, because you will see that in clause 4(*7*), lines 3 and 4, it is stated "suspension or cancellation of licence under sub-section (*6*) of section 4." The question of giving notice does not at all arise under sub-clause (*7*).

Mr. ATUL KRISHNA GHOSE: Sir, it is in connection with the new sub-section (*7*) as to whether at this juncture Government want to deprive the dealer of any compensation whatsoever if he deserves it from the legal point of view. Even if compensation is not given, I have put the minimum demand that the poor fellow should be given one month's notice, so that he may arrange somehow or other to run his affairs and that he may not be put to heavy losses. That is the idea behind my motion and as such I think, Sir, my motion is quite in order.

Mr. SPEAKER: But your amendment is not happily worded. I think the language should be: "provided that he has received notice of cancellation one month before the cancellation." That should be the language of your amendment. Anyway, you can move your amendment.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move that in clause 4(*7*), in lines 3 and 4, for the expression "under sub-section (*6*) of section 4" the words "after giving one month's notice to him" be substituted.

As you know, Sir, we have already opposed this Bill from the very beginning. But in whatever form it might have been passed in this House, to my surprise I find that the new sub-sections have been added in such a way as to neutralise the whole effect, whatever benefit we might have given to the dealers. This sub-section (*7*) reads thus: "The holder of a licence shall not be entitled to any compensation for any loss or damage if suffered by him as a result of suspension or cancellation of

his licence under sub-section (6) of section 4." Now, Sir, sub-section (6) of section 4 reads thus: "Subject to such conditions as may be prescribed, a licence granted under this section may be suspended or cancelled by the authority which granted it." Sir, the authority could cancel the licence, but even if the authority could have cancelled or suspended the licence of the dealer, the dealer had the chance of appealing to the proper authorities to compensate his loss if by some wrongful action on the part of the authorities he would have been put to loss, but here, Sir, it is being added to safeguard the officials concerned. If the action of the authority has been wrongful and if that wrong act of theirs put the dealer to any loss, the dealer will not be entitled to any compensation whatsoever. This is a strange mentality, Sir. Besides that, if you deprive the dealer of his licence by virtue of which he can carry on his trade and even though the cancellation or suspension of the licence be a wrongful action, an illegal action, still you will not allow the dealer to approach any authority to compensate that loss. Under what principle and under what policy can Government think of such an idea, I cannot imagine.

In a nut-shell, Sir, the position is this: you deprive the dealer of his licence and even if you admit that this cancellation or suspension of that licence has been done wrongfuly without any fault whatsoever on the part of the dealer, still you will not allow that gentleman any compensation whatsoever. Sir, this goes against all principles of justice. It is a one-sided section.

Mr. SPEAKER: I think you are wrong. The legal interpretation is this, that under sub-clause (6) of clause 4 the licence of a dealer can be cancelled or suspended only if there is contravention of any of the provisions of the Act or if the holder of a licence ceases to carry on business. Supposing that there is a wrongful cancellation, then there is always a civil right for damages.

Mr. ATUL KRISHNA GHOSE: Does the Act provide that?

Mr. SPEAKER: Of course. The section says that the holder of a licence shall not be entitled to any compensation if the cancellation or suspension comes within clause 4(6). But if clause 4(6) is not legally administered, then he has a right under the civil law for compensation.

The Hon'ble Mr. H. S. SUHRAWARDY: That is exactly the point.

Mr. ATUL KRISHNA GHOSE: Is that the interpretation?

Mr. SPEAKER: Yes. The purport of the law is that it takes away the right of compensation if the limit is exceeded.

Mr. ATUL KRISHNA GHOSE: What was the necessity of this sub-section?

Mr. SPEAKER: In order that there may not be any misapprehension. If the holder of a licence contravenes the provisions or ceases to carry on the business, then he is not entitled to any compensation.

Mr. ATUL KRISHNA GHOSE: That could have been done without this sub-section.

Mr. SPEAKER: It is better to be clear.

The Hon'ble Mr. H. S. SUHRAWARDY: It has only been made clear.

Rai HARENDRA NATH CHAUDHURI: There is some difficulty, Sir. Take for instance, sub-section (7) which reads thus: "the holder of a licence shall not be entitled to any compensation for any loss or damage if suffered by him as a result of suspension or cancellation of his licence under sub-section (6) of section 4." In this case, therefore, he will not be entitled to compensation——

Mr. SPEAKER: If he contravenes——

Rai HARENDRA NATH CHAUDHURI: If he has suffered loss as a result of suspension or cancellation under sub-section (6) of section 4.

Mr. SPEAKER: That is legally done.

Rai HARENDRA NATH CHAUDHURI: You are presuming too much, Sir. Our apprehension is that if an officer purports to act under sub-section (6) of section 4, then in that case if there be any resultant damage to the person——

Mr. SPEAKER: If the language had been "any officer purporting to act under this section," then only I think your contention would be correct. By not giving the right, the High Court or the Civil Court can always construe that the act which is done must be legally and properly done.

Mr. SASANKA SEKHAR SANYAL: May I suggest, Sir, if that be the spirit of the section, then an additional clause ought to be there, "without prejudice to any other civil right of the licensee."

Mr. SPEAKER: It is not necessary.

Mr. SASANKA SEKHAR SANYAL: Because the difficulty is there.

Mr. SPEAKER: No.

Mr. SASANKA SEKHAR SANYAL: The action which is taken under sub-section (*6*) of section 4 may be a legal or an illegal action.

Mr. SPEAKER: As a lawyer you won't say that.

Mr. SASANKA SEKHAR SANYAL: The difficulty is, it is capable of either interpretation. Is it the view of the Government that it can never be done?

Mr. SPEAKER: It does not depend upon Government.

Mr. ATUL KRISHNA GHOSE: I want to say one thing more, Sir. If that is the interpretation, I would like to suggest that the Hon'ble Minister should explain the whole situation and it should be made clear that if the licence of the dealer is cancelled wrongfully, he will be entitled to compensation. Let him say that.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose all the amendments.

Villages exist where petrol business is carried on: there are subdivisional headquarters that are not towns and that have petrol businesses; there are many villages along the Grand Trunk Road which have petrol shops, and I do not think that the insertion of the word "villages" is at all out of place.

As regards the amendment of Mr. Md. Abul Fazl the insertion of the words "for his wilful negligence or fault" is, in my opinion, out of place.

As regards the amendment of Mr. Atul Krishna Ghose you have rightly pointed out, Sir, that this applies to an order properly passed under sub-section (*6*) of section 4. Whenever a licence is cancelled, even though it may be due to the default of the licensee, he is bound to suffer a loss, even though the order may have been rightly passed. If he contravenes the Act, he is liable to forfeiture. The licence

thereupon is cancelled. He is bound to suffer even though the order has been rightly passed. In that case, he is not entitled to any compensation. The order is also further liable to appeal, to revision by higher Courts. Obviously if the order has not been properly passed, he has got a remedy in the Civil Court.

The motion of Mr. Syed Jalaluddin Hashemy that in clause 4 (*2*), for the words "districts, villages, or towns" the words "district or town" be substituted, was then put and lost.

The motion of Mr. Syed Jalaluddin Hashemy that in clause 4, sub-clause (7) be omitted, was then put and lost.

The motion of Mr. Md. Abul Fazl that in clause 4 (7), in line 2, after the words "by him" the words "for his wilful negligence or fault" be inserted, was then put and lost.

The motion of Mr. Atul Krishna Ghose that in clause 4 (*7*), in lines 3 and 4, for the expression "under sub-section (*6*) of section 4" the words "after giving one month's notice to him" be substituted, was then put and lost.

Clause 7.

Mr. ATUL KRISHNA GHOSE: May I move my amendment No. 24?

The Hon'ble Mr. H. S. SUHRAWARDY: The amendment made by the Council is a mere drafting amendment.

Mr. SPEAKER: Yes; it is merely a change in the language and no amendment in substance.

Mr. ATUL KRISHNA GHOSE: My amendment is also not a change in substance. The question of penalty will only arise if the dealer cannot show adequate reasons.

Mr. SPEAKER: That cannot be done, because the other House has made only a verbal change.

Mr. ATUL KRISHNA GHOSE: There are two things here. One is default and the other adequate reason. I hope you will admit this amendment.

Mr. SPEAKER: I hope you will agree that this is a change in substance.

Mr. ATUL KRISHNA GHOSE: But the change in substance is not substantial. It is not said that the dealer should not be penalised.

Mr. SPEAKER: No, no.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move that in clause 10A after the word "authority" at the end the following be added, namely:—

"after giving the party a reasonable time to defend his case either by himself or by his authorised agent."

The Hon'ble Mr. H. S. SUHRAWARDY: Clause 10A is merely an enabling section; it does not lay down the procedure which is defined in clause 7, and clause 7 says that a reasonable opportunity and a reasonable time should be given.

Mr. ATUL KRISHNA GHOSE: But what about this section?

The Hon'ble Mr. H. S. SUHRAWARDY: This is merely an enabling section; this is not a procedural section.

The motion was then put and lost.

Clause 12.

Mr. ATUL KRISHNA GHOSE: Sir, I also gave notice of amendment No. 28, but the amendment, I see, is only in Mr. Zaman's name.

Mr. SPEAKER: All right, you move both the amendments Nos. 27 and 28.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move that in clause 12, the sub-clause (*c*) be omitted.

I also beg to move that in clause 12, the sub-clause (*f*) be omitted.

Sir, I am beginning with sub-clause (*f*), where Government says, "neglects to furnish any information required by sub-section (*2*) of section 9 or acts in contravention of the provisions of that section." Now, Sir, sub-section (*2*) of section 9 reads like this: "If any such person carrying on any such business——

Mr. SPEAKER: Eevn if these two sub-sections are omitted, a person can be prosecuted so long as the last paragraph of this section stands.

Mr. ATUL KRISHNA GHOSE: My contention is different, Sir.

Mr. SPEAKER: Oh, I see.

Mr. ATUL KRISHNA GHOSE: Sub-section (2) of section 9 reads as follows:

> "If any person carrying on any such business sells or otherwise disposes of such business or any part thereof, he shall within fourteen days inform the prescribed authority accordingly; and if any such person dies, his legal representative shall in like manner inform the said authority."

Sir, it is a question of sending information within fourteen days from the date of transfer of the business from one gentleman to another and the crime that crops up is simply the failure of the dealer to inform proper authorities about the transfer of business. All the crime that the dealer may be involved in, legally, morally or in whatever other ways, is that the gentleman failed to intimate the news of transfer within fourteen days to the proper authorities. I do not think there is anything else in any sub-section. Now, simply because of the fault of a man that he could not or did not inform the authorities the change of business from one hand to another in course of fourteen days' time he will be liable to a punishment which is horrible. The penalty that will be imposed upon him may be even one thousand rupees. What will the Hon'ble Finance Minister do with so much money? You will have enough money from the Sales Tax. If you want to realise money by imposing fine after fine and if you think that your administration will be run simply by imposing fine on the business people, I think you are living in a dreamy land. We in Bengal, particularly we Bengalis, are lagging behind in the business field and your Sales Tax and Motor Spirit Sales Tax and so many other taxes that will come very soon will do nothing but stem the tide of business of Bengal and bring ultimate ruin to the people. You cannot provide young men with employment, but if they take to some sort of enterprise with small capital you come and stand in their way not only in the form of taxes but you provide such and such rules which, from the business point of view, it is absurd to carry out, and which from the business point of view and for all practical purposes stand as a barrier in the business world of Bengal. So I would request you, in spite of your vanity and sensibility as Finance Minister, to look to the proper aspect of the situation. If you stand as a barrier at every stage and in every field you will do no benefit to your department, but you will only ruin the business enterprise in Bengal. You have provided such strict rules and regulations with regard to accounts, returns and so many other items that it has become very difficult for the business people to run their business. Establishment charges will go up very high. You may get annas 1-6 per gallon, but these business people will have to undergo a loss. I doubt very much if in

these circumstances they will be able to carry on their business at all. It is from this consideration that I would request you at least to think over this item. I can clearly see that if we accept one such amendment here, it will create some difficulties and the Bill will radiate from this door to that door for months again. But that is not the consideration here. The consideration is whether the provision of this section is at all reasonable, practicable and prudent and whether it is fair for the popular Government to provide such restrictions for the business people of Bengal.

With these few words, Sir, I commend my motions to the acceptance of the House.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 12 (*f*), line 1, for the word "neglects" the words "wilfully neglects or refuses" be substituted.

Sir, I also beg to move that in clause 12 (*f*), in line 2, after the expression "section 9" the words "in spite of a notice of warning previously served on that person in this behalf" be inserted.

Sir, in the first case, as regards amendment No. 13, sub-section (*f*) says, "neglects to furnish any information required by sub-section (*2*) of section 9." Now this section 9(*2*) provides that if any person carrying on business sells or otherwise disposes of such business or any part thereof, he must give notice of this sale or transfer within fourteen days. Sir, the time allowed is very short. Negligence may occur, but the penalty is very high, namely, extending up to Rs. 1,000 and there is also a continuing penalty which may extend to Rs. 50 per diem. In view of this severity of the penalty, it is quite fair and reasonable that the negligence that will be committed must be wilful negligence

Then, Sir, as regards amendment No. 14, my point is that when such heavy penalty is imposed, the man will be given an opportunity of explaining his conduct, that is, a notice should be served on him before he is awarded that penalty, so that he may have sufficient time to explain his conduct.

With these few words, Sir, I commend my motions to the acceptance of the House.

Rai HARENDRA NATH CHAUDHURI: Sir, sub-clause (*e*) has been newly imported. There is no doubt about it. But sub-clause (*e*) refers to section 10 and you will see that sub-clause (*e*) falls into two parts. It contemplates on the one hand refusal to comply with a requisition under clause (*a*) of sub-section (*1*) of section 10 and, secondly, it contemplates obstructing any officer making an inspection or a search. So far as the first part is concerned, viz., penalty for

refusal to comply with the requisition, that is somewhat intelligible. There is some reason for importing that into the section; but so far as the second portion, namely, obstruction is concerned, if you refer to section 16 you will see that all persons empowered to perform any function under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Now, the Indian Penal Code provides specific punishment for obstruction to public servants when they are discharging their duties. Here again obstruction is made punishable under section 12. In my view two punishments are therefore going to be provided for obstruction—one under section 12 and another under section 16.

Then, Sir, let me come to sub-clause (*f*). Sub-clause (*f*) says: "neglects to furnish any information required by sub-section (*2*) of section 9 or acts in contravention of the provisions of that section." The latter part is intelligible; *i.e.*, if he acts in contravention he will be punished. But what about the foregoing part—"neglects to furnish any information"? Just note, Sir, the very wide import, the wide connotation, of the term "neglects." It does not say "if he fails." It says "if he neglects to furnish any information as contemplated in sub-section (*2*) of section 9."

Mr. SPEAKER: I take it that "neglects" means "fails."

Rai HARENDRA NATH CHAUDHURI: But "neglects" has a very wide import. It may mean something besides failure.

Mr. SPEAKER: I do not think any Court will interpret it in that way.

Rai HARENDRA NATH CHAUDHURI: Sub-section (*2*) of section 9 contemplates that if a person dies his legal representative has got to furnish the information within fourteen days. If you now try to understand the import of the word "neglect," you will see what an onerous duty is cast on the person who is bereaved on account of the death of his predecessor in interest. I think, Sir, the word "neglects" ought to be changed for "fails."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, these amendments have been made in conformity with the amendments which I moved in this very House on the Bengal Finance Sales Tax Bill, viz., that such items as had been left out and were covered merely by the general powers at the end have been specified. There were certain contraventions under certain sections that had not been specially specified in section 12. All that has been done is this, that these contraventions have been specified.

Mr. SPEAKER: Mr. Rai Chaudhuri's point is that the word "neglects" ought to be changed.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, I know. That is my answer to Mr. Atul Krishna Ghose. Mr. Abul Fazl's amendment is that the word "wilfully" should be added to the word "neglect". As a matter of fact, looking at it from that point of view, surely "neglect" is severer than "fail". Strictly speaking, they are synonymous, but if at all a punishment is to be not on mere failure but on neglect, it is a bit harder, a little stronger.

Rai HARENDRA NATH CHAUDHURI: It should not be harder; that is our case.

The Hon'ble Mr. H. S. SUHRAWARDY: The mere word "fails" does not add anything to what is there under the general clause, namely, "acts in contravention of any of the provisions of the Act." So far as his other amendment is concerned, "in spite of a notice of warning previously served," I am afraid that is out of place, because Government is not in a position to know when a person who is carrying on business dies. Government could not possibly know that, nor when a business has been transferred. It is the heirs of the person or the transferee who knows best when they should give notice and it is impossible for Government to give notice of warning.

Mr. ATUL KRISHNA GHOSE: May I draw the attention of the Hon'ble Minister that nowhere was this provision in the original Bill?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know what the honourable member is discussing.

I submit, Sir, there is no substance in these amendments and I oppose them.

The motions of Mr. Atul Krishna Ghose that in clause 12, sub-clauses (*e*) and (*f*) be omitted, were then put and a division taken with the following result:—

AYES—37.

Abdul Wahed, Maulvi.
Aga Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimeddin Ahmed, Mr.
Banerji, Mr. Satya Priya.
Barman, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.

Ghose, Mr. Atul Krishna.
Goswami, Mr. Tulsi Chandra.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Adwaita Kumar.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Nasker, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Susanka Sekhar.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Thakur, Mr. Pramatha Ranjan.
Wallur Rahman, Maulvi.

NOES—93.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Razzak, Maulvi.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Affazuddin Ahmed, Khan Bahadur Maulvi.
AminuNah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Bell-Hart, Miss P. B.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Rabbani Ahmed, Mr.
Golam Sarwar Hossini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. G.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hannanzzaman, Maulvi Md.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mandal, Mr. Banku Behari
Mandal, Mr. Birat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi. M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mustagawsal Haque, Mr. Syed.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sanaullah, Al-Hadj Maulana Dr.
Sarkar, Babu Madhusudan.
Sorajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Stark, Mr. A. F.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. S.
Yousuf Mirza.

The Ayes being 37 and the Noes 93, the motions were lost.

The motions of Mr. Md. Abul Fazl that in clause 12(*f*), line 1, for the word "neglects" the words "wilfully neglects or refuses" be substituted, and that in clause 12(*f*), in line 2, after the expression

"section 9" the words "in spite of a notice of warning previously served on that person in this behalf" be inserted, were then put and lost.

Clauses 18 and 19.

Mr. MANMATHA NATH ROY: Sir, I beg to move that in clause 18(3) of the Bill for the words "prescribed authority," the words "Board of Revenue" be substituted.

Mr. SPEAKER: If for "prescribed authority" the Board of Revenue is substituted, for every item the party will have to come over here.

Mr. MANMATHA NATH ROY: My submission is that the final authority will be such an authority in whose judgment people will have confidence.

Mr. SPEAKER: The psychology will be done away with by the amount of money which will be spent.

Mr. MD. ABUL FAZL: I beg to move that paragraph (*ff*) of clause 19(2) be omitted.

The Hon'ble Mr. H. S. SUHRAWARDY: I oppose the amendment of Mr. Manmatha Nath Roy. "Prescribed authority" is better than "Board of Revenue."

I oppose amendment No. 19, because the addition of this clause is only consequential.

The motion of Mr. Manmatha Nath Roy that in clause 18(3) of the Bill for the words "prescribed authority" the words "Board of Revenue" be substituted, was then put and lost.

The motion of Mr. Md. Abul Fazl that paragraph (*ff*) of clause 19(2) be omitted, was then put and lost.

The question that the Assembly agrees to the amendments made by the Council in the Bill was then put and agreed to.

Bengal Markets Regulation Bill, 1941.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to introduce the Bengal Markets Regulation Bill, 1941.

(The Secretary then read the short title of the Bill.)

The Hon'ble Mr. TAMIZUDDIN KHAN: *Sir, I beg to move that the Bengal Markets Regulation Bill, 1941,* be referred to a Select Committee consisting of—

(1) Khan Bahadur Maulvi Ahmed Ali Enayetpuri,
(2) Khan Bahadur A. M. L. Rahman,
(3) Khan Bahadur Fazlul Quader,
(4) Khan Sahib Hamiduddin Ahmed,
(5) Alhadj Maulvi Masud Ali Khan Panni,
(6) Mr. Yusuf Ali Chowdhury,
(7) Mr. Ahmad Hussain,
(8) Mr. Banku Behari Mondal,
(9) Mr. D. P. Khaitan,
(10) Mr. I. G. Kennedy,
(11) Mr. G. Morgan, C.I.E.,
(12) Mr. Giasuddin Ahmed, and
(13) the mover,

with instructions to submit their report by the 31st July, 1941, the number of members forming a quorum being five

Sir, in placing this motion before the House, I must first explain the position with regard to the Agricultural Produce Markets Bill. It will be recollected that that Bill was introduced in 1939 and was referred to a Select Committee. It emerged from the Select Committee considerably modified and came before the House for consideration in September, 1940. From the large number of amendments which were tabled and from the course of the discussions in the House, it was evident that there was a varied and considerable volume of opinion against the Bill in the form in which it was then before the House. But it appeared that the objections raised were not against the objects of the Bill but against the provisions by which it was proposed to attain those objects. Having regard to these objections, Government decided not to proceed with the Agricultural Produce Markets Bill, but to introduce instead this Bill which aims at achieving the same objects by simpler provisions and in a different manner.

I have said that the objects of the Bill are the same as those with which the Agricultural Produce Markets Bill was first introduced, and I do not think any one will disagree as to the desirability of those objects which, stated briefly, are to secure better conditions in the markets for the public generally and to protect buyers and sellers, in particular cultivators selling their produce, from unjustified exactions and other malpractices which prevail.

The most prevalent disadvantages and malpractices existing in the markets of Bengal are outlined in the first paragraph of the Statement of Objects and Reasons. Some of these are due to acts or omissions on the part of the proprietors of markets or on the part of their officers, while others are due to acts or omissions on the part of traders in their dealings with the cultivator-producer. The principle of the Bill is to place on the proprietors the onus of conducting their markets, and to place on traders the onus of conducting their business with the cultivator-producers in a manner calculated to put an end to or at least appreciably reduce the disadvantages and malpractices which prevail. The Bill extends to the whole of Bengal, but in the definition of "market" in sub-clause (*3*) of clause 2 it will be seen that it does not apply to any market owned or managed by the Corporation of Calcutta or by the commissioners of a municipality. Nor will it apply to any place or class of places which the Government may by notification in the *Official Gazette* declare not to be a market.

Dealing now with the list of disadvantages and malpractices referred to in the Statement of Objects and Reasons, the first is that proprietors of markets and dealers levy market charges and allowances which are numerous and often excessive. In the conditions which may be prescribed in a licence, clause 5 provides that only such market fees and other charges may be realised as are specified in the licence and at such rates as are stated in the licence. Such market fees and other charges and the rate at which they may be levied must, for the information of the public, be exhibited in writing in conspicuous places in the market. Such fees and charges may be collected only by persons appointed by the proprietor for the purpose.

Sir, the method of specifying the market fees and other charges which may be realised on behalf of the proprietor and of fixing the rates at which they may be levied is provided for in clauses 6 and 7. It will be seen that there is nothing arbitrary about this, and the fees are prescribed and the rates fixed after full consideration of the views of the proprietor, the union board in whose jurisdiction the market is situated, and of the District Magistrate. Under clause 6, sub-clause (*1*), the union board or other similar local body may recommend the kind of fees and other charges which may be levied and the rates at which they may be levied. Under clause 7, sub-clause (*1*), the proprietor on the request of the District Magistrate must furnish a statement of the fees and charges which he levies or proposes to levy. Thereafter, the fees are fixed by Government after considering the report of the District Magistrate and the views of the union board and the statement of the proprietor.

The second item in the list of disadvantages and malpractices is that weights and measures are of different kinds and this affords scope for cheating and unfair dealing. In due course sets of standard weights will be available, though for reasons beyond the control of the Provincial Government they are not available yet. Clause 5, sub-clause (2), therefore provides the conditions which may be included in a licence that the proprietor shall keep available in his market a set of standard weights and measures which shall be available free of charge for any buyer or seller to check any weighment or measurement.

Sir, item (*iii*) of the list of disadvantages refers to inadequate provision in many markets for shelter, conservancy, water-supply, sanitation, drainage and general accommodation. In clause 5, sub-clause (2), provision is made for inclusion in a licence of conditions requiring the proprietor to maintain structures, pathways, open spaces and the immediate approaches to the market, if in his control, in a condition safe and convenient for persons, animals, and vehicles using them. Similarly, conditions in the licence may require the proprietor to maintain adequate arrangements for conservancy and drainage and space in the market for persons and animals using the market. But it is important to note that the adequate arrangements which these conditions of the licence require him to make will be subject to local conditions, and the net income derived from the market as estimated in the manner prescribed. The intention simply is, and we think it is right, that the proprietor should spend a reasonable amount of the income he derives from a market for the convenience and safety of the persons who use the market and from whom he obtains his income.

Adequate means are necessary to see that proprietors carry out the conditions of the licence issued to them. Although there will be some inspecting officers, it is considered that the appropriate agency to advise and report on the conditions in markets within their jurisdiction is the union board, union committee, or panchayets as the case may be. Clause 6, therefore, empowers union boards, union committees and panchayets to recommend to the prescribed authority that improvements be made in any market in their jurisdiction and to report instances of breaches of conditions of the licence. Any such recommendation or report must be supported by a resolution passed at a meeting of the union board or other local body concerned and the prescribed authority cannot take any action on the recommendation or report without first hearing the proprietor or his agent, and in any case the prescribed authority must record his reasons in writing either for rejecting the report or for accepting it. In the event of a proprietor failing to observe any of the conditions of his licence, clauses 12 and 13 empower the District Magistrate or the Subdivisional

Magistrate to take steps to secure observance of the licence. This may be done in two ways. Firstly, under clause 12, sub-clause (*2*), the District Magistrate or the Subdivisional Officer is empowered to act on the results of his own personal inspection and local enquiry. This applies when the District Magistrate or the Subdivisional Officer observes personally that a condition of a licence is not being observed. For example, he may visit a market and find that the well which is supposed to provide drinking water in the market is full of filth and rubbish, or he may find that the main entrance to the market is a sea of mud and almost impassable, or he may find that the sheds for which people pay rent are in a dilapidated condition. Under clause 12, sub-clause (*1*), he may then, after enquiry and giving the proprietor an oportunity of being heard, issue an order on the proprietor to take such action as will remedy the defect within a time specified in the order. He might, in the examples I have quoted, order the wells to be cleaned, or the entrance to the market to be improved, or the sheds to be repaired. The object of this sub-clause is to avoid delay in proceedings which are unnecessary when the District Magistrate or Subdivisional Magistrate has personally seen the condition of the market, has personally enquired on the spot and has personally heard the proprietor. It will enable him in urgent cases to issue an order on the spot after making the observations and enquiries himself.

The other way in which clause 12 would operate is when the District Magistrate or the Subdivisional Magistrate receives a report from an inspecting officer or from a union board that any condition of licence is not being observed. In such cases the District Magistrate under sub-clause (*2*) of clause 12 may issue an order on the proprietor to show cause within a specified time why an order should not be made requiring him to take such action as will remedy the defect reported. Then under sub-clause (*3*), if the proprietor shows cause, the District Magistrate or the Subdivisional Magistrate must hear the proprietor and any evidence which he may adduce and shall either cancel the notice or issue the order or a modified order.

Any such order issued by the District Magistrate or the Subdivisional Magistrate either as a result of his personal observation and enquiry under sub-clause (*1*) of clause 12, or as a result of due hearing after receiving a report under sub-clause (*2*) of clause 12, must be based on reasons to be recorded in writing and must have regard to local conditions and the class of the market. In that connection I refer again to clause 3 of the Bill which provides for the classification of markets into four classes, and provides that markets should be classified on consideration of the approximate number of persons attending the market on market days, and on the approximate estimated income derived from the market. This provision is made with the intention that no order should be passed that is unreasonable

having regard to local conditions and the class of the market. For example, in say a Class III market, which denotes a relatively small attendance on market days and a relatively small income, it might be quite unreasonable having regard also to other local conditions to require the proprietor to put in a *pucca* well or a tube-well for drinking water. On the other hand, in a Class I market which would denote a large attendance on market days and a large income, it might be quite reasonable having regard also to local conditions to require a proprietor to maintain two or three wells or to excavate a tank to provide drinking water.

If a proprietor fails to carry out an order issued under clause 12, the District Magistrate or the Subdivisional Magistrate may under clause 13 either take action to give effect to the order and recover the cost thereof from the proprietor together with a sum not exceeding 50 per cent. of the cost by way of penalty or he may suspend the licence for a period not exceeding two years. For example, if a proprietor refused to repair the sheds in his market, the District Magistrate could cause the repairs to be done and recover the cost *plus* a sum not exceeding 50 per cent. of the cost as though it were a public demand. Alternatively, under clause 21, the proprietor could be prosecuted for breach of the conditions of his licence.

If the District Magistrate suspends the licence, then under clause 14 he shall arrange for the management and maintenance of the market. The expenses of management and maintenance shall be met from the income derived from the market and the balance shall be paid to the proprietor.

Under clause 15 any person aggrieved may appeal to the District Magistrate against an order of the Subdivisional Magistrate under clause 12 or 13, and to the Commissioner against an order of the District Magistrate.

Under clause 16 the Commissioner may revise any order passed by the District Magistrate, and the Board of Revenue may revise any order passed by a Commissioner in appeal or in revision.

The fourth item in the list of disadvantages in the Statement of Objects and Reasons is that reliable information as to prices and other marketing information is not usually available. This of course is not the fault of the proprietors or the traders, but the supply of such information is important to buyers and sellers. In the conditions of licences referred to in clause 5 provision is therefore made for publication in the markets in the prescribed manner of any notice or other matter in connection with marketing which is issued by the Provincial Government and which the Provincial Government desires to be published. Under the licence the proprietor will be responsible for publishing the information in the prescribed manner.

For the purpose of collecting such marketing information, clause 9 provides that the Provincial Government may empower officers to require proprietors to supply information for the purposes of the Act.

Item 5 of the list of disadvantages and malpractices refers to unjustified discounts and deductions. Clause 8 provides that no trade allowance other than such allowance as may be prescribed shall be made or received by any person whether in a market or at the residence of an agriculturist or at any other place where any transaction in respect of any agricultural produce takes places.

The sixth item is that persons frequenting markets are liable to be victimised by the levy of tolls of various kinds by unauthorised persons. To prevent this it is provided both in the conditions of the licence and in clause 7 that the fees and charges which may be levied shall be fixed, that a notice of them must be published in conspicuous places in the market for general information, that nothing in excess of those fees and charges may be realised and that the only persons authorised to collect them will be persons appointed by the proprietor

The final item in the list of disadvantages is that produce is subject to no standard. This operates to the disadvantage of the buyer in that he may receive adulterated or mixed produce It also operates to the disadvantage of the cultivator selling his produce in that he cannot get the best price for the best quality produce. Clause 10 of the Bill, therefore, provides that no person shall conduct in a market any transaction in respect of any agricultural produce except in accordance with such standard grades and definitions of quality as may be prescribed for that produce either generally or specially for that particular market. It is also provided that a condition of the licence may require a proprietor to keep samples of standard grades of produce in the market. The object is that where standard grades have been prescribed and where it is possible to keep samples for comparison, such samples should be available at the market to enable both buyers and sellers to compare with the produce they are buying or selling. In addition provision is made in clause 11 for prescribing an authority to decide disputes regarding standard grades and definitions of quality.

Sir, I will not occupy the time of the House by going into further details. I think I have said enough to indicate to the House the disadvantages and malpractices which the Bill is designed to remedy and the methods by which it is proposed to remedy them With these words, Sir, I place this motion before the House.

(At this stage the House was adjourned for fifteen minutes.)

After adjournment.

Situation at Dacca.

Mr. ATUL CHANDRA SEN: Sir, I have just received very alarming and disquieting news from Dacca. I understand that several villages have been burnt and looted.

The Bengal Markets Regulation Bill, 1941.

Mr. SYED JALALUDDIN HASHEMY: May I submit, Sir, before you ask the members to move their motions that you should give us an opportunity to oppose the motion moved by the Hon'ble Minister. This is a retrograde step. He wants the Bill to be referred to a Select Committee. So, we want to oppose this motion on the ground that this Bill should be considered in this session or should not be considered at all. We have reasons to oppose this motion.

Mr. SPEAKER: You may do it later after the motion has been moved.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move by way of amendment that the Bengal Markets Regulation Bill be circulated for the purpose of eliciting opinion thereon.

Mr. SPEAKER: Yes, you may move that.

Maulvi ABU HOSSAIN SARKAR: Sir, we persistently demanded for an Act to be passed by this Government to control the markets, fairs and *melas* of Bengal. The reason for this was that the poor market-goers were oppressed and various kinds of illegal exactions were collected by the proprietors of markets and fairs—especially the agricultural section of our countrymen being the victims. The weights and measures used in this province were many and varied. No uniformity was found. Cunning people thereby found an opportunity to cheat the ignorant public.

Then again, Sir, the proprietors of markets did not manage things properly and did not provide suitable places for petty shop-keepers and stall-keepers on market days. On the other hand, the proprietors generally allowed or even introduced swindlers and gamblers in order to get money from them, so that they might rob the innocent villagers who came to the markets. There were also other kinds of oppression. In some cases poor villagers came with a small quantity of rice, *dal*, etc., which they used to sell in order to meet their necessary expenses.

But the market-owners did not spare even these poor people who came here only to sell a seer or half a seer of rice, *dal*, etc., and exacted olls from them. The conditions in the markets were generally very nsanitary. In some places even drinking water was not provided, nd there were no places of worship to be found. These cases became o rampant in North Bengal that we had to take recourse to direct ction. In Rangpur, my native district, we had to take direct action gainst the owners of markets who were mostly zemindars and more han 2,000 volunteers were sent to jail and some of them are still otting there. When at last Government last year introduced the Bill, called the Agricultural Produce Markets Bill, although the Bill was not an ideal one, we welcomed it. There were provisions in it by which the markets would be placed under a committee to be elected or appointed as the case might be. Unfortunately, Sir, though the Bill was sent to the Select Committee and emerged from it, though a vast amount of public money was spent and though more than half the Bill was considered by this House, the Government thought it desirable to drop it. The Hon'ble Minister in charge of Agriculture at the time of introducing this Bill has given us some flimsy grounds and reasons, and I think that it will not be improper for me to say that he has not given us the real reason for dropping the Bill. Will it not be right to say that when the Bill was being discussed, one of the zemindar Ministers of the Cabinet belonging to the Government Party moved here and there and got a petition signed by nearly 80 members of this House and sent it to the Cabinet, and that was the reason for dropping the Bill The reason for that, I submit, was that most of the zemindars were being deprived of their illegal exactions as by the provisions contained in that Bill it was intended to put the markets and fairs under committees. I put a direct question to the Hon'ble Minister who is the mover of this Bill whether it is a fact that a petition with the signatures of a large number of members of the land-holding community and also some important public functionaries was placed before him and that that was the main cause for dropping the Bill. Now, Sir, the reason why I have moved this amendment is that Government has introduced this Bill only to hoodwink the public. Sir, there is no definite proposal in this Bill. During the last four years, Sir, no bill having a definite programme of action behind it has been introduced in this House. I find that Government only wants to have some rule-making power so that they may control the markets and fairs by means of rules issued under the executive authority of Government. I do not know what concrete proposal Government have made in this Bill. They simply want control over markets by means of rules to be framed by them. So I submit that this Bill should not be passed or referred to a Select Committee unless and until our country people know what are the provisions contained in this Bill. I submit that it is no Bill at all.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. I. C. KENNEDY: Mr. Speaker, Sir, on behalf of the European Party, I rise to support the motion moved by the Hon'ble Minister that the Bengal Markets Regulation Bill be referred to a Select Committee. We give it our support, not because we think it is a perfect Bill, but because it seems to us to provide a workable means of eliminating the malpractices which, unfortunately, are so prevalent in the marketing of agricultural produce in this province. If growers are to receive a larger share of the fruits of their labours, it is essential that they should be protected from those who would take advantage of their simplicity. It is also essential that they should take more interest in the marketing of their produce—as distinct from its production—and this Bill by regulating marketing procedure should stimulate their interest in the art of selling. I should like to congratulate Government on their wisdom in withdrawing the original Markets Bill which, in our opinion, would have been quite unworkable owing to its complicated and cumbersome details. The present Bill does away entirely with notified market areas and their elaborate administration. It gives Government power to control all private markets, with certain exceptions, and places the onus of responsibility for their proper conduct upon the owners or their lessees. I would like to emphasise that in this respect the Bill now before us goes much further than the old Bill. Under the old Bill control would only have been established over the few markets in selected areas, whereas the new Bill establishes a workable system of control over all markets, control not only over market fees and trade allowances, but also over the conditions in markets such as maintenance of structures, provision of water-supplies and drainage arrangements. This Bill, therefore, far from being a retrograde step, is, in our opinion, a substantial step forward. There are some details which require consideration in Select Committee, in particular the definition of "market," and the question of dual control which will arise in the case of markets situated within the jurisdiction of municipalities. There are also other minor points which, no doubt, will be dealt with by the Select Committee. Sir, I support the motion moved by the Hon'ble Minister.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I beg to support the motion for circulation moved by my friend, Mr. Abu Hossain Sarkar. I am surprised that the honourable the European member, Mr. Kennedy, has thought fit to plead that this Bill, far from being a retrograde measure, is an advance upon the previous Bill. Mr. Speaker, Sir, I hope it will not require any genius to understand that by the surreptitious shunting of the previous Bill, by this act

tself, Government has passed its own verdict of incompetence upon hemselves. When the Hon'ble Minister in charge and his department vere left to the odium that necessarily attaches to the dropping of a Bill which was partly gone through and the adoption of another Bill vithout any statement in the Statement of Objects and Reasons that on account of certain internal deficiencies of the old Bill a new and better Bill was being introduced in the year, it would appear from the Statement of Objects and Reasons that no mention is made of the previous Bill at all, and at a first reading one would suppose that this Bill was coming for different purposes while the previous Bill was already pending. The matter was not clear till on an interpellation, I believe, of my friend, Mr. Hashemy, in answer to a question of his, the Hon'ble Minister admitted for the first time on the floor of this House long after this Bill was circulated that the old Bill was going to be dropped. I submit that it indicates the guilty mind of the Government by giving out this story of substitution so late and by not indicating that the first Bill was being supplanted by the other at an earlier stage. I agree with Mr. Abu Hossain Sarkar when he says that the Ministry has no definite and practical scheme in its mind. It is merely for a show that things are being done, that this thing is being pursued, and not really with a definite and practical objective in view. Otherwise, how can we account for the fact that after that Bill, presumably a well-considered Bill drafted at the time, was referred to a Select Committee of responsible and independent members of this House, where it underwent certain changes, and the report of the Select Committee was placed before this House and various amendments were tabled in connection with the various clauses of the Bill and accepted, it was silently abandoned? The Ministry sabotaged the Bill after its brief career of a few days when it was found that the Ministry had no idea even as to the definition of market and other terms. Sir, it was a curious irony of fate that although the previous Bill was a better one, the Ministry was stranded even on the definition of market itself. Sir, I pity the Hon'ble Minister in charge that having brought that Bill before this House through the ritual of a Select Committee which involved large sums of money out of the public exchequer, he has come to-day with a look of simplicity and innocence to say that this Bill is going to be a better Bill than the other. It might be a very good thing for a schoolboy to try to write an essay and then try to improve upon his essay after some vegetation upon his subject, but I am surprised that the Hon'ble Mr. Tamizuddin Khan has not considered this Bill to be a retrograde measure, and I am much more surprised that he had not a word even to say as to why that previous Bill was dropped and this subsequent Bill which is of a more retrograde character should be accepted by us.

Mr. A. F. STARK: That Bill was unworkable.

Mr. SASANKA SEKHAR SANYAL: I thank my honourable friend for saying that the previous Bill was considered to be unworkable, but I hope he will appreciate when we say that the present Bill is also unworkable in the sense that it has no perspective of any definite work in its scope. Sir, we on the floor of the House as well as outside have always insisted upon the promulgation of legislative measures which will not only go the length of administering tinkering proposals to the structure of a market, or a lavatory, or a drain of the market itself. Our idea is this, that not only should the market-place improve itself, but the marketing conditions should improve so considerably and so unmistakably as to inure to the big benefit of the agriculturists which all of us profess to desire.

Mr. Speaker, Sir, in the previous Bill there was mention of a purpose that the prices of agricultural commodities were desired to be more prosperous for the agriculturists. I submit, Sir, that if the previous Bill failed to carry out that objective, it must have been for other reasons, because it did not reach the stage of finality. This present Bill, even if it is passed to the Select Committee and comes out again of the Select Committee with certain modifications which we hope will come in, even then, Sir, our considered opinion is that if we are committed to the principle of this Bill, then whatever allowance under the rules there may be for enlarging the scope of these principles we are sure that they are not capable of being enlarged to that extent which it is at least the desire of the Opposition to have. In that sense, Sir, if the previous Bill was unworkable, the present Bill is less workable and more worthless still

Mr. Speaker, Sir, this Bengal Markets Regulation Bill is confined more or less to the question of controlling the market itself and undoubtedly also to the question of prices, but then, Sir, can you really inflate the prices by merely holding a pistol over the head of the market proprietor? Is it not necessary to go in for more comprehensive things, for more imaginative things and for bolder things if you really want to succeed in getting a better price? For example, Sir, in the other countries we all know that there are certain agricultural crops which are deliberately converted into money crops, and unless some crops are converted into money crops it will be an absolutely futile attempt to get a mere Bill for the regulation of markets and expect an inflation of the prices leaving things to the off-chance of normal operation of the ordinary law of demand and supply. Prices have got to be created; prices have to be forestalled. And in that view of the matter, Sir, our opinion is that that the Ministry should come out with a definite scheme with a list of certain crops which they propose to convert into money crops. Jute has been long in the field. It has been talked to a sickening point, and so I will not deal with that any more. Then there is the cry of sugarcane, and it is a very strong cry to-day, because we see to-day that in the previous war even

we could not ordinarily use the normal quantity of sugar because the price went up so high, but to-day, Sir, in spite of a more devastating war, in spite of the blockading of supply from outside, in spite of the fact that we have got our own sugar produce which we are more able to control and regulate, the price of sugar is going down. What is needed is to come out with a definite attitude of controlling the decline of price and for elevating the price at least to some extent.

Mr. I. C. KENNEDY: How are you going to do it?

Mr. SASANKA SEKHAR SANYAL: We are going to do it by the co-operation of the provinces. We are going to do it by following the normal laws of commercial enterprise. If my honourable friends of the European Party cannot give the benefit of their wisdom—probably they have none in this matter (Laughter.)—I would ask the Hon'ble Minister to take statistics and facts from the sugar factories themselves and if the Ministry are really seriously intentioned, they can approach the commercial bodies, the commercial magnates and the commercial experts. It is no use, Sir, merely talking about certain facts in an airy fashion. It is no use merely throwing out papers in the constituencies. It is no use merely having on record volumes of legislation unless we know that they are definitely going to do good to the people for whom we are concerned. I do not claim to be an expert in this matter. I am thankful to my friend of the European Party. I do not claim infallibility. I can simply give ideas, and it is for the Ministry and the Party supporting the Ministry to take the responsibility of approaching the proper quarters and for approaching the question in the proper method. We are here only to give ideas and we only expect that the Party which supports the Ministry will not be so dull-headed and so impervious to progressive ideas as to sit down merely upon their shy and sham prestige and to consider that the things are not workable and that the things cannot be done. (Pointing to Mr. Kennedy.) Look at your people of America. They have converted certain crops into their money crops. Look at the wheat laws of Great Britain and the Continent. They have been converted into money crops. Why cannot we convert some of our crops into money crops? If you cannot create money crops, if you cannot convert the ordinary crops—at least some of them—into money crops, it is no use merely tinkering with weights and measures, the structure of market, sanitary arrangement and lavatory at the market-place. It will do no good. It will probably please the vanity of the authors of the Bill and the supporters of the Bill who will perhaps say: "Well, look here, we are doing so much to our people outside." But it will not really answer either the code of justice or the code of necessity.

Sir, I am thankful to my honourable friend Mr. Kennedy for anticipating one of my pleas in referring to the question of dual-authority with regard to market-place in municipal areas. It appears

that left to themselves they are sometimes capable of striking a proper point, but not frequently. (Laughter.) We, on this side of the House, Sir, think that it is necessary to elicit opinion of municipal authorities, because after all, Sir, all new Bills, the mush-room Bills, that are coming into existence are creating newer and newer multiple authority, and we fear, Sir, that even if no good can come to the country by these confused and confusing pieces of legislation, at least the existing local authority will be bewildered by the creation of such multiple authority. So, my humble submission to the Minister concerned is not to rush the matter to the Select Committee, but to refer the question to the commercial bodies and take the benefit of local—and if possible and necessary— outside experts, so that the ordeal may not be repeated of dropping the Bill midway at a time when much hopes were raised. If one Bill has been stranded on the shores of negligence, ignorance and want of imagination, we of the Opposition want to help the Ministry out of a morass and let not another Bill be similarly stranded on the shores of another negligence, ignorance and lack of imagination. (Loud cheers from the Opposition Benches.)

Mr. SYED JALALUDDIN HASHEMY: Sir, in the past we have forgotten and forgiven the countless frailties and failures of this Government. But, Sir, this is a matter which requires careful scrutiny. Sir, if I am permitted to say, I will say that this Bill, I mean the Bengal Markets Regulation Bill, is not even a compensation or to put it properly is not an apology for the Bengal Agricultural Produce Markets Bill.

Sir, let us examine and scrutinise the origin, growth and development of the previous Bill, I mean the Agricultural Produce Markets Bill. Certainly the idea of such a Bill was either in the brain of an individual Minister or in the brain of the Cabinet collectively. The experts in the pay of the Government were asked to draft the Bill. The Bill was drafted. The Bill was again considered by the Government. The Bill was gazetted. Then, Sir, the Bill was introduced in the Assembly and after a careful consideration by the Government the Bill was referred to a Select Committee. The Select Committee sat and sat and gave their verdict. The Bill was again brought before this House. After considering a few clauses of the Bill, all on a sudden the Bill was dropped. May I ask and very seriously why it was dropped after so much amount of time, energy and money had been spent for the purpose? I do not care about the time and energy, but certainly Government owed us an explanation for the amount of money mis-spent over the Bill. I fully agree and endorse what has come from Mr. Abu Hossain Sarkar. I say, Sir, from my personal experience that a few influential members of this House having proprietary interests in markets did not agree with certain provisions of the Bill and they sent a memorandum to the Ministers and the

Minister in charge naturally became nervous, and he had no other way than to submit to the demands of the influential members of this House. Sir, a fresh Bill was drafted. It has come before the House again. Sir, in the usual course, it is going to be referred to a Select Committee. What is the guarantee that this Bill will be piloted by the Minister even in this case? I do not hold the Hon'ble Minister in charge of this Bill fully responsible for it. I regret very much to say that he has been made a scape-goat in this matter. He is the only man in the Cabinet who is conversant with the conditions of markets in this province. (MR. SASANKA SEKHAR SANYAL: He has not yet forgotten!) He is conversant with the methods and manner of oppression generally adopted by the proprietors of markets, and I know that he has much sympathy for the people oppressed, but he is helpless. He is absolutely helpless. In the face of these facts, he must look to the vested interests first. This is the reason why this Ministry have failed to inspire faith, hope and confidence in us. The Government do not know their own mind. The idea of this Bill was in the Cabinet before the Hon'ble Minister in charge entered the Cabinet. Since then Bill after Bill has been drafted and last of all the Agricultural Produce Markets Bill was accepted by the Government. Now, Sir, the Bill that has been introduced this time, as I have already said, cannot even be an apology for the Bill that was introduced and referred to the Select Committee. The time has come for us to ask the Government to explain why and under what circumstances that Bill was not proceeded with. The reason that has been set forth in the speech of the Hon'ble Minister is not at all convincing. Had it been complicated and controversial as has been suggested by some of my friends to my left, it was up to the Government to look into the matter of controversy and complication while the original Bill was in the Select Committee, and it was up to the members of the Select Committee, the majority of whom belong to the Government Party, to point out to the Government the complications, controversies and the difficulties of the Bill. If there were really any complications, the original Bill ought to have been referred again to a second Select Committee, but that was not done. The whole thing, lock stock and barrel was changed. Everything has been changed. This is no Bill. This will not do any good to the oppressed. This will rather help the proprietors of markets in continuing their oppression. Can the Hon'ble Minister, as he has explained in his speech, when the Bill is taken up clause by clause, convince us that this Bill is really an improvement on the old Bill? In not a single case is this Bill an improvement. Most certainly it is not an improvement. If it is not an improvement, what earthly reason can there be on our part to support this Bill? As for myself I am not in favour of sending this Bill for circulation. If the Hon'ble Minister is serious and if he means business, let him proceed with the Bill clause by clause here in this session. The House is quite competent to suggest

improvements, to suggest ways and means of getting over controversies, *complications and difficulties and to finish the Bill. The Hon'ble* Minister wants the Bill to go to a Select Committee. He expects the report of the Select Committee by the 31st of July. In that case, it will again come before the House, but I do not know in which session. (Mr. ATUL CHANDRA SEN: In 1942.) Possibly in 1942 when the life of this Assembly will be over. The Bill will be automatically dead. If he means business, let him proceed with this Bill in this session and finish our deliberations on it. With these words, Sir, I oppose the motion for reference to the Select Committee.

Mr. D. P. KHAITAN: Mr. Speaker, Sir, I rise to support the motion made by the Hon'ble Minister for the reference of this Bill to a Select Committee. I congratulate the Government for having kept a receptive mind to the defects that permeated through almost every clause of the Bill called the Bengal Agricultural Produce Marketing Bill and for the withdrawal of which I have heard complaints from the previous speakers. Sir, I fail to understand what reason for complaint the Opposition Parties in this House have to the withdrawal of the previous Bill and to the introduction of this new one——

Mr. SASANKA SEKHAR SANYAL: Which is an equally inefficient Bill.

Mr. D. P. KHAITAN: Sir, I am told that this Bill is an equally inefficient Bill and therefore that is an admission that the previous Bill was certainly inefficient and deserved to be withdrawn as has been done by Government. I hold no brief for the Hon'ble Minister who has introduced this Bill. I am sure he has shoulders broad enough to reply to the criticisms that have been levelled against him. But I may say this, that from the trade point of view the provisions of the previous Bill would have made the situation so difficult as to have crippled trade to a very large extent. If my honourable friends who have participated in this debate to-day would refer to the discussions that took place on the floor of this House in connection with the previous Bill, I have not the slightest doubt that they would be convinced that the previous Bill was not worth being pursued. Therefore, I think it was in the fitness of things that Government should withdraw the previous one and devise another, one more suitable, which would not cripple trade and would not therefore adversely affect the real interests of the agriculturists. As my friend, Mr. Sanyal, has pointed out in some portions of his speech, it is the mercantile community who should be consulted as to the methods and ways of improving the price of agricultural products. I could not understand him when he repeatedly said that some crops should be converted into money crops. What I understand by money crops is

simply this, that when a producer produces a certain thing which he cannot consume himself, he sells in the market, and that crop becomes automatically a money crop which is consumed by the rest of the world. A crop cannot be artificially made a money crop or a consumption crop: it depends upon the production and consumption by the agriculturists themeslves, and no artificial methods can be employed either for treating a crop as consumption crop or as money crop. That being so, it is necessary that nothing should be done by this Legislature or by Government to cripple trade. Because, if trade is in any way crippled, it would be against the best interests of the agriculturists. Sir, in this view of the situation I would still draw the attention of Government to certain features of the present Bill that has been introduced to-day and which, it is proposed, should be referred to the Select Committee. For, even in this Bill I find certain features which will not be beneficial to the free flow of trade. My friend, Mr. Kennedy, has already drawn the attention of the Hon'ble Minister to the definition of the word "market" which is still too wide for purposes of the provisions of this Bill. It is said here that "market" means any place at which persons ordinarily assemble for the purchase and sale of any agricultural produce or other commodities. It is still liable to the interpretations and the objections which were evinced during the discussion on the previous Bill. I am not unaware of the fact that there is an additional provision that Government have power not to include in the word "market" any place or class of places which the Provincial Government may by notification in the *Official Gazette* declare not to be a market. As this Bill is intended to regulate dealings in a market ordinarily acceptable as such, it is desirable that the definition of "market" should be improved, and whatever place or class of places the Provincial Government wants to exclude from the purview of the word "market" should, so far as possible, be done within the provisions of this Bill and not be simply left to the rule-making powers of Government in order to give some confidence to the trading community.

Then, Sir, I would like to draw the attention of this House particularly to clauses 10 and 11 of this Bill. Clause 10 has perhaps been hurriedly drafted, for it will become a dangerous provision in this Bill. Clause 10 says, no person shall conduct in a market any transaction in respect of any agricultural produce except in accordance with such standard grades and definitions of quality, as may be prescribed for that produce, either generally or specially, for that particular market. Sir, this clause, as it has been drafted, would mean that in respect of every kind of agricultural produce Government will have to prescribe standard grades and definitions of quality; for, except in accordance with them no person will be allowed to conduct any transaction in respect of any agricultural produce. Sir, I dare say that that was not the intention of the framers of the Bill. What

they might have intended was that in such cases as Government deem it fit to prescribe standard grades or definitions of quality, those standards and definitions will have to be conformed to by any person entering into transactions in respect of that particular agricultural produce. Sir, if that is the intention of Government, then this clause will have to be modified suitably; otherwise, Government will have to lay down standard grades and definitions of quality not in respect of hundreds of commodities but in respect of thousands of them, and Government will find themselves in a great difficulty, if they do not prescribe standard grades and definitions of quality in respect of any of them.

Then, Sir, clause 11 says, disputes regarding standard grades and definitions of quality in a market shall be decided by the prescribed authority and in the prescribed manner and the decision of the prescribed authority shall be final. Sir, I do not know what authority will be prescribed by Government for the purpose of deciding disputes regarding standard grades and definitions of quality. I can say this, that even the merchants who deal in agricultural produce find it very difficult to decide disputes about the grades and qualities on the basis of which transactions are entered into. I fail to understand how any Governmental authority that may be set up for deciding disputes will be able to do it in an equitable manner, to do justice between a buyer and a seller, to do justice to the agriculturists or to do justice to the merchants themselves. This is a provision which may lead to great danger of disturbing the free flow of trade, and I would urge the Government to more thoroughly consider this question before asking the Select Committee or this House to adopt it in the form as it has been incorporated in the Bill.

Then, Sir, I may draw the attention of the Hon'ble Minister in this House to clause 8 of the Bill where it is said that, "no trade allowance other than such allowance as may be prescribed shall be made or received by any person in any transaction in respect of any agricultural produce whether in a market or at the residence of an agriculturist or at any other place where any transaction in respect of any agricultural produce takes place." Sir, the Hon'ble Minister has referred us to the Statement of Objects and Reasons in this connection. There I find it is mentioned, "unjustified discounts and deductions are common" I, therefore, presume that the Hon'ble Minister's attention was only drawn to unjustified discounts and deductions and not to ordinary trade allowances. I submit, Sir, that what the Hon'ble Minister means here by trade allowance is not trade allowance, but unbusinesslike allowances, and to eliminate them he has our fullest sympathy and co-operation. But he must do it in a manner which is feasible and which will not obstruct the free flow of trade; for, if this free flow of trade receives the slightest obstruction, it will be more against the interests of the agriculturists than in their

favour. I believe, Sir, that what the Hon'ble Minister has in mind is the payment of *iswarbritti* and things of that character. In order to stop them and in order not to prevent *bonâ fide* trade allowances being paid, some other method will have to be devised either by the Hon'ble Minister or by his advisers or by the Select Committee—some method other than that provided in clause 8.

Again, Sir, if reference is made to trade allowance in clause 5, sub-clause (2) (*d*), it will be found that the proprietor of a market is expected to see that no trade allowance other than such allowance as may be prescribed shall be made, etc. Clause 8 is copied here word for word. Apart from the fact that it cannot word for word be applied here my objection to it is this, that if it is left to the proprietor of a market to control the payment of trade allowances and to prevent them, it is possible, Sir, that much corruption may ensue. If the agents of the proprietor of a market are allowed to interfere in the carrying out of transactions, I can see that much bribery and corruption will take place and the merchants will be interfered with in carrying on their business. (Mr. SASANKA SEKHAR SANYAL: Who will control?) The control will be by the ordinary course of law and not by the proprietor of the market who would not know how to administer the granting or giving or receiving of trade allowance. You might as well ask the police constable to administer the Act and not place the administration in the hands of competent authorities

Sir, these are some features of the Bill to which I wanted to draw the attention of the Hon'ble Minister so that when it comes to the Select Committee he will have considered views on these problems in order that trade may not be disturbed.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I hope our friends of the Opposition will take a lesson from the magnificent speech to which we have listened just now. Criticisms should be informed. I listened very carefully to the criticisms that came from the benches opposite. Sir, it is almost impossible for me to understand the bundle of contradictions that came from the Whip of the Congress Party. Sir, imagine the stalwart of the peasant coming up and handing over to the Government the power to control prices and to inflate and deflate them at the sweet will of the Government This would upset ordinary normal business and I am certain, Sir, that besides the merchant, the peasant also will suffer terribly. They talked of the incompetence of the Government. That word has become an obsession with the Opposition, but, Sir, the incompetence, the colossal incompetence of the two speeches to which we listened to-night from the Opposition, if directions contained in them were followed by Government the world will cease to exist. (Laughter from Opposition Benches.)

Sir, those gentlemen were filled with horrors because the Government withdrew the former Bill, as if such a thing has never happened in Legislatures, as if the Government has not got the power to withdraw any piece of legislation that is brought before the House. In fact, Sir, I felt that the withdrawal was a corollary to the words "popular Government." When the Government realised the defects which all sections of the community had brought to the notice of the Hon'ble Minister, he very wisely withdrew the Bill and now he has come forward with something better. I do not say that it is a perfect Bill. The honourable member for the Indian Chamber of Commerce has drawn the attention of the House to some of the defects in it. There is going to be a Select Committee which will go into the details of this Bill. I do not quite agree with the honourable member for the Indian Chamber of Commerce on some of the fears that he expressed, but I do feel that there are many defects in our commercial system which the Bill is trying to improve. That commerce should not be entirely controlled by a Government is a principle to which no sane person can raise any objection, but to allow merchants and shopkeepers to play havoc with the ignorant peasant who comes to the market will certainly be controlled by Government and that is the point of view which will certainly help the peasant.

It is surprising to me sometimes, Sir, that the arrogation of the advocacy of the rights of the peasant seems to have become a monopoly with my friends opposite It is surprising, Sir, that when the Tenancy Bill was before the House they remained neutral. That was the acid test of the sincerity and the acid test of the criticisms that they made to the measure at that time. To criticise every measure and every possible action of the Government as worthy of condemnation is something which has led people on this side of the House to ignore the criticisms that are being offered. Sir, the Opposition has stultified itself by uttering its criticism in a language which is not dignified and by bringing forward statements which would not convince even a schoolboy. The two speeches to-day were uttered by gentlemen—honourable members—who do not know the A, B, C of marketing. The Bill does not contain any control of prices. The only aspect in it with reference to prices is that petty shop-keepers should be informed of market rates; otherwise the Government would perhaps be doing harm to the province if it tries to control prices. As regards weights and measures, who does not wish a uniform system of weights and measures? Is there any person who would oppose the scheme of market regulation? Is there any person in the House who would not try to save the seller or producer from the acute and sometimes very clever businessman who offers him less price and who considers a maund sometimes equal to 41 seers and sometimes equal to 44 seers? This is a measure which is going to protect the peasant rather than do any harm to him. I entirely agree with the honourable

member for the Indian Chamber of Commerce when he says that the articles which are to be graded and about which instructions are to be issued may not be in hundreds, but perhaps thousands. The Select Committee in its wisdom will try and regulate the Bill which is going to regulate markets. Municipalities and Corporation have been excepted. Personally, Sir, I am sorry that that is so, because if we look to the markets in Calcutta, I have expressed the view and I still express the view that the private markets should be eliminated altogether. If that is done, we in Calcutta and the people under other municipalities in Bengal would be happy. But Government perhaps does not wish to go so far and, therefore, I am prepared to accept this Bill in spite of its many defects, because it is a step forward and because it is going to place our commercial life in the province on a better basis.

Mr. SASANKA SEKHAR SANYAL: Sir, there must be more speeches because my friend Mr. Abdur Rahman Siddiqi has raised new points which have to be replied to. From our benches, only one member has so far spoken.

Mr. SPEAKER: Yes.

Mr. SURENDRA NATH BISWAS: Sir, I oppose the motion for referring this Bill to the Select Committee. Before I enter into that subject I would like to give a reply to the honourable member for the Muslim Chamber of Commerce. I am sorry he has left the House. He was complaining of the colossal incompetence of the speeches on the Opposition side. But had he been here I would have told him that his speech betrayed his colossal ignorance of what was being done by the Governments in other parts of the world. He is ignorant of the fact that Governments of independent countries have many a time inflated the prices of land products to save the agriculturists of their respective countries. Everybody in this House knows by this time that when wheat was selling in Great Britain at a price 50 per cent. lower than the economic price, the Wheat Act of 1932 was passed by the Government of the United Kingdom and a standard price fixed. The standard price was double the market price of wheat then prevailing. The wheat-growers were called upon to sell their wheat in the open market and they were given the difference between their selling price and the standard price as "deficiency payment" and the money for making these dificiency payments was realised by taxing the millers of wheat. Similar other instances I could have cited, but I have no time for doing that.

Sir, what is this Bill for? Although the Statement of Objects and Reasons of this Bill does not state that its main object is to ensure a better price to the agriculturists for their land products, while such an

expression was found in the old Bill, the Hon'ble Minister will certainly say in reply to the speeches made from this side of the House that such an object is latent in this Bill, although not patent. The provisions that have been made in this Bill will improve to some extent the price of the agricultural produce which will be sold in the market. I don't deny that. But, Sir, will that be sufficient for the agriculturists of this province? What is the problem of the agriculturists to-day? The House knows, at least the members who have been returned from rural constituencies know, that the aggregate holding of an average agriculturist family has become very much small. Even with the greatest amount of production and the maximum possible price of land products, the agriculturist is not being able to maintain his family throughout the year. That is the problem. Hence, the best possible price should be ensured to the agriculturists of this province if they are to be saved. If the intention of the Government was to do real benefit to the agriculturists, the Government should have provided for some measures by which the agriculturists might get the best and maximum value for their produce. I submit that this Bill falls far short of such provision. I pointed out as a member of the Select Committee of the old Bill as also in my speech on the floor of this House when the provisions of that Bill were being discussed, the Government should drop that Bill and bring up a Bill only for regulating the marketing of the agricultural crop of jute, if Government really intended to do benefit to the agriculturists. Everybody knows and you, Sir, as a member of the Finlow Jute Enquiry Committee are also aware, that the old Government of Bengal admitted that the acute economic depression that commenced in the year 1931-32 was mainly due to the fall in the price of jute. The Finlow Committee recommended some measures to improve the price of jute. So did our committee. But I find that the Government, instead of taking that right step, have brought in this Bill simply to provide for the abolition of trade allowance. How much the agriculturists will be benefited by this Bill so far as their grievances are concerned, the House can easily understand. If Government proposes to do tinkering benefit to the agriculturists by a Bill of this nature, I do not see any reason why this Bill should be referred to a Select Committee. As Mr. Syed Jalaluddin Hashemy has pointed out, this Bill should be considered here and now in the course of this session. The Hon'ble Minister in his opening speech has said that the provisions of this Bill are very salutary and have been carefully considered. If that is so, and as the main provisions of this Bill had been considered by the Select Committee for the old Bill and formally discussed by the members on the floor of this House, I do not see any necessity of referring this Bill again to a Select Committee. Why this sheer waste of money! Is it for enabling some members to go to the hills and enjoy the cold climate at the cost of public money or is it the intention of Government to improve the

Bill through the assistance of the Select Committee? Sir, I think the former is the object and not the latter. Let us consider this Bill in this session. The provisions made in the Bill are not many nor are they very controversial. I do not think the Bill will take more than two days to be disposed of. I submit therefore that if it is the intention of Government to do some good to the agriculturists of this province it should bring another Bill to regulate the price of jute during the next season and in the meantime let Government get this Bill passed. I warn the Hon'ble Minister that if he goes to his constituency after the expiry of the present five years, he will not be able to satisfy the agriculturists by saying that he has done this and that, all of which are, of course, of no real good to the people. Is he not aware that the jute-grower of Bengal is not getting for his jute a price which does not even cover the cost of cutting and preparing his jute?

Mr. SPEAKER: Mr Biswas, I think you can refer to it in passing, but don't you think that it would be irrelevant if you deal with that matter in detail?

Mr. SURENDRA NATH BISWAS: All right, Sir; I shall not go further into that point

Without going into the details of this Bill I would refer to two observations of Mr. Khaitan. He seems to be afraid of clauses 10 and 11. Clause 10 deals with the regulating of standard weights and different grades of quality. I was responsible for these two clauses in the old Bill I said that if the market of jute was to be regulated then there must be standardised weights and measures and standardised grades of crops like jute Otherwise our agriculturists would suffer. I do not see why Mr. Khaitan objects to that. It will not be arbitrary standardization of weights or measures or grades. If the Bengal Chambers of Commerce can have their own standards of grades and if they are able to be the arbiters of disputes relating to grades, why not Government set up a Board of Arbitration and introduce standard weights and qualities to enable the jute-grower to get a fair deal? Everybody knows that jute is sold in lump and even the top quality is sold at the same price as the bottom quality I think as a jute-mill-owner and a trader Mr. Khaitan is apprehensive of standard weights and qualities——

Mr. D. P. KHAITAN: I am afraid, Sir, my friend has absolutely misunderstood me.

Mr. SURENDRA NATH BISWAS: Perhaps, Sir, Mr. Khaitan is afraid that he will not be able to purchase jute at a cheap price as at present in case the grades are standardized.

With these few words, Sir, I say that this Bill may be taken into consideration in this session.

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. Speaker, Sir, after what has been said by my honourable friends, Messrs. Siddiqi, Khaitan and Kennedy, I do not think I have much to say to refute the arguments advanced by some members of the Opposition. The main objection seems to be that the old Bill was withdrawn without sufficient reason. I have explained in my introductory speech why the other Bill had to be withdrawn. When the Bill was in the Select Committee, very far-reaching changes were made in it. Government were prepared to accept those changes, but when the Bill came before this House, it was found that there was vehement opposition to the provisions contained in the Bill as it had emerged from the Select Committee. And it was in deference to that large volume of opinion that Government thought it fit to withdraw that Bill. Sir, Maulvi Abu Hossain Sarkar has said that the reason must have been other than what I have stated on the floor of this House. But may I ask him why this opposition to the present Bill and why this effusion of admiration for the old Bill which has been withdrawn? Sir, I may tell you that I know the reason therefor. So far as the old Bill was concerned, the Opposition knew that amongst the members who usually support the Government there had been a sharp difference of opinion over the provisions contained in the old Bill. The Opposition also expected that if Government would go on with that Bill, it could have profitably handled the sharp difference of opinion which was then manifest amongst the members supporting the Government——

Rai HARENDRA NATH CHAUDHURI: Sir, the cat is now out of the bag.

The Hon'ble Mr. TAMIZUDDIN KHAN: That is why even to-day the Opposition is enamoured of the old Bill. If the proceedings of the debate on that Bill are looked into, it will be found—and here I refer not to the speeches of other members but to the speech of one member only of the Opposition, I mean, Dr. Sanyal—I do not know whether he is the older or the younger Sanyal but certainly the more illustrious of the two—that Dr. Sanyal tabled a very large number of amendments, and the speeches that he made on the floor of the House showed that he and his party were absolutely against the provisions of that Bill. I need not dilate on that point further, Sir, but I must say that the attitude of the Opposition and the issues before the House are now quite clear. Does the Opposition really want that illegal and exorbitant market charges and fees should be stopped? Do they really want

that standard weights and measures should be maintained? Do they really want that the proprietors should provide adequate shelter in the markets and that there should be arrangements for proper conservancy, water-supply, drainage, etc.? Do they want that the cultivators and the purchasers should be supplied with proper information about prices and other things? Do they also want that illegal exactions in the name of trade allowances should be stopped? If they want these things, certainly they cannot vote against this measure. If they vote against this measure that will be a clear indication to show that they are against the salutary provisions of this Bill. This is not the only occasion, Sir, but there were previous occasions also when they showed their lip sympathy for the poor *raiyat*, but whenever the crucial time came, they either absented themselves or opposed such measures. Here is a wholesome measure before the House and my friends have adopted the old tactics of which the House is very well aware Their lip sympathy has now vanished in thin air——

Mr. SASANKA SEKHAR SANYAL: Sir, one man with lip sympathy belonging to the Opposition has now been sent to the Cabinet!

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have a good deal of sympathy with Mr. Jalaluddin Hashemy and Mr. Surendra Nath Biswas when they said that this Bill ought to be taken into consideration at once without any reference to the Select Committee Sir, Mr. Biswas contradicts himself because he says that the Bill is good for nothing and immediately thereafter he proposes that the Bill be taken into consideration at once. Sir, I have a good deal of sympathy with that proposal, but as this is a new measure, Government thought that it would be better if the provisions of the Bill could be improved by reference to a Select Committee.

With these words, Sir, I oppose the circulation motion and commend my motion to the acceptance of the House

The motion of Maulvi Abu Hossain Sarkar that the Bengal Markets Regulation Bill, 1941, be circulated for the purpose of eliciting opinion thereon was then put and lost.

The main motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Markets Regulation Bill, 1941, be referred to a Select Committee consisting of—

(1) Khan Bahadur Maulvi Ahmed Ali Enayetpuri,

(2) Khan Bahadur A. M. L. Rahman,

(3) Khan Bahadur Fazlur Quader,

(4) Khan Sahib Hamiduddin Ahmed,

(5) Alhadj Maulvi Masud Ali Khan Panni,

(6) Mr. Yusuf Ali Chowdhury,

(7) Mr. Ahmad Hussain,

(8) Mr. Banku Behari Mandal,

(9) Mr. D. P. Khaitan,

(10) Mr. I. J. Kennedy,

(11) Mr. G. Morgan, C.I.E.,

(12) Mr. Giasuddin Ahmed, and

(13) the mover,

with instructions to submit their report by the 31st July, 1941, the number of members forming the quorum being five, was then put and agreed to.

Adjournment.

It being 8 p.m.—

The House was adjourned till 4-45 p.m. on Friday, the 4th April, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 4th April, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 5 Hon'ble Ministers and 186 members.

STARRED QUESTION

(to which oral answer was given)

Tax on "oompata" and "sun-grass" grown in Chittagong District.

*212. **Dr. SANAULLAH:** (*a*) Is the Hon'ble Minister in charge of the Forest and Excise Department aware—

(*i*) that "oompata" which grows only in Cox's Bazar subdivision and is used for roofing purposes is tax-free; and

(*ii*) that the "sun-grass" which grows in the forest area of the northern part of Chittagong and is also used for roofing purposes is taxed by the Forest Department?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons of this differential treatment between the northern and southern parts of Chittagong?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) (*i*) "Oompata" growing in all Government forests throughout the collectorate is subject to payment of royalty at Rs.2-8 per 1,000 bundles of 10 leaves each.

(*ii*) "Sunn-kholas" are leased for a period of years at a time. Thatch grass from unleased areas is obtainable on payment of royalty at anna 1 per *bhar*, throughout the collectorate.

(*b*) There is no differential treatment between the northern and southern parts of Chittagong.

Starred question No. 213 was held over.

UNSTARRED QUESTION

(answer to which was laid on the table)

Dhobadah khal in Jessore.

89. Maulvi WALIUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that there is no sluice gate in the Dhobadah *khal* in police-station Lohagora, Jessore; and

(*ii*) that the crops of the *beels* of the neighbourhood are damaged due to overflood of water in the early part of Sraban and over-drainage in the month of Kartik?

(*b*) If so, what steps do the Government propose to take in the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) Yes

(*ii*) Yes—occasionally.

(*b*) Any control of the flooding is likely to cause more harm than good, as it will stop the natural flushing which is in the interests of health, land reclamation and cultivation. These considerations outweigh the advantage of control of the flooding with a view to preventing occasional damages to the crops.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how a sluice gate will stop the natural flushing?

The Hon'ble Mr. TAMIZUDDIN KHAN: The sluice gate is certainly intended to obstruct the free flow of water and when the free flow of water is obstructed it will have the result stated in the answer.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that sluice gates service both the purposes? If a sluice gate is placed in the Dhobadah *khal*, it is said the natural flow will be stopped and there will be no flow of water, and there will be no flushing, but I would like to say that this reply does not give the sense it ought to. The purpose of a sluice gate is this: in times of necessity it will be arranged in such a way that there will be no flow of water. It can also be arranged in a way in which there will be

no obstruction to the flow of water. Thus sluice gates serve both the purposes, but the Hon'ble Minister here explains that by putting a sluice gate the whole flushing system will be stopped and there will be some sort of disease and many other things.

The Hon'ble Mr. TAMIZUDDIN KHAN: I have not said that.

Mr. ATUL KRISHNA GHOSE: I cannot understand what sense is being conveyed by this sort of reply.

Mr. SPEAKER: All that he says is that if the flood is controlled, it will affect the area.

Mr. ATUL KRISHNA GHOSE: In the reply, the Hon'ble Minister has said "any control of the flooding is likely to cause more harm than good as it will stop the natural flushing". How could a sluice gate stop natural flushing? In times of no necessity you can open it so as to get flushing and in times of necessity you can shut it so that you can block up the water.

The Hon'ble Mr. TAMIZUDDIN KHAN: In times of necessity when the flow of water is obstructed by closing the sluice gate, naturally the flushing will be obstructed. It goes without saying.

Mr. ATUL KRISHNA GHOSE: The sluice gate can be opened up and also locked up. The moment you open it, there will be flow of water and the moment you close it, the flow of water will be obstructed and that is in your hand. Your officer will be in charge of the gate He will open the gate if he wants that there should be a rush of water. He will close the gate if he wants the flow of water to be obstructed. You say here "by putting up a sluice gate, the whole flushing system will be stopped".

The Hon'ble Mr. TAMIZUDDIN KHAN: I did not say that.

Mr. ATUL KRISHNA GHOSE: You might not be the person who replied to this question. But the department has said that.

The Hon'ble Mr. TAMIZUDDIN KHAN: Natural flushing it will certainly stop. What is the object of a sluice gate?

Mr. ATUL KRISHNA GHOSE: What is it?

The Hon'ble Mr. TAMIZUDDIN KHAN: The object of a sluice gate is to stop the flow of water at certain times in the interests of crops. When the gate will be closed, then certainly the natural flow of water will be obstructed. That goes without saying.

Mr. ATUL KRISHNA GHOSE: Some officer is placed there. When it is necessary to have free flow of water he will open it and there will be no obstruction whatsoever. In times of necessity he will open the gate. According to local circumstances water will be stopped or allowed to flow and the man will close or open the gate accordingly. This is the system of sluice gates. A sluice gate will thus serve both the purposes. When water is to be obstructed, it is done by closing it, and when free flow of water is necessary, the gate will be opened. A sluice gate cannot stop flushing. Will you please refer back the question to the department, so that a proper reply may be obtained?

(No answer.)

The Bengal Supervision of Orphanage and Widows' Homes Bill.

Mr. SPEAKER: Before I take up the Non-official Bills I would like to draw your attention to the Bill of Mrs. Shahabuddin called "The Bengal Supervision of Orphanage and Widows' Homes Bill," which was referred to a Select Committee. The Select Committee could not finish their deliberations. Therefore they have asked for an extension of time up to the 30th of June, 1941.

I take it that the House agrees to grant the extension of time

(The House agreed.)

Report of the Committee of Privileges.

Mr. SPEAKER: The next item is the Report of the Committee of Privileges I had a discussion with some members on my left and I think that in view of the discussion almost on the same point in connection with a Bill on Privileges and Powers which is now being considered, no useful purpose will be served for the time being by voting on this matter or even discussing it. I think that it will be better if this matter is left over and taken up along with the other.

(The House agreed.)

NON-OFFICIAL BILLS.

The Bengal Dowry Restriction Bill, 1940.

Mr. SURENDRA NATH BISWAS: I beg to move that the Bengal Dowry Restriction Bill, 1940, be referred to a Select Committee consisting of:—

(1) the Hon'ble Nawab Musharruff Hossain, Khan Bahadur, Minister-in-charge of the Judicial and Legislative Department,

(2) Maulvi Idris Ahmed Mia,

(3) Haji Safiruddin Ahmad,

(4) Maulvi Muhammad Israil,

(5) Mr. Giasuddin Ahmad,

(6) Mr. Rasik Lal Biswas,

(7) Mr. Monmohan Das,

(8) Rai Jogesh Chandra Sen Bahadur,

(9) Mr. Iswar Chandra Mal,

(10) Mr. Atul Chandra Kumar,

(11) Mr. Nishitha Nath Kundu, and

(12) the mover,

with instructions to submit their report by the 31st of July, 1941, the number of members forming the quorum being five.

With much diffidence, Sir, I move this motion, for I know its fate. I could have understood if the Hon'ble Minister instead of wanting to recirculate the Bill for eliciting further public opinion would have opposed the Bill. Rather let us hear from the Government that they do not like such a Bill to be passed into law, but I do not understand the meaning of recirculating the Bill for eliciting further public opinion. The public have already formed their opinion, not very recently but for years and years. The Hindu public of Bengal have seriously considered the evils of the *dowry* system and are firmly of opinion that this system, this evil must be eradicated by legislation. The Bill was circulated last time to the representatives of the people but I find from the reports that only an orthodox committee known as the Brahman Mahasabha has opposed it on religious grounds and there is another organisation which is called the British Indian Association which has also opposed the Bill, saying that they do not like legal measures with regard to a social matter. But others, Sir, including the representatives of the people have unanimously agreed to have this Bill passed into law. Sir, as we know the public opinion and as we have already got the written opinion of the representatives of the people of Bengal, I do not see any reason why the Bill should be again circulated to the public for opinion. A similar Bill has been passed in Bihar and effect has also been given to that. So I hope the Hon'ble Minister will withdraw his amendment and refer the Bill to the Select Committee. Let the Select Committee consider the different provisions of the Bill which are undoubtedly very simple, and let them submit their report and let the House within its life-time consider that report. I am afraid, the Hon'ble Minister—rather the Government—will not allow this Bill to be considered within the life-time of this House. I have heard that two Hindu Ministers are

opposed to this Bill—not the two Ministers who are sitting there but the other two Hindu Ministers who are rich and influential—one a Knight and the other a Maharaja. Sir, they may be rich people, they may give enough *dowries* at the time of the marriage of their daughters——

Mr. SPEAKER: No, I think they themselves get it. (Laughter.)

Mr. SURENDRA NATH BISWAS: But they know that the average Hindu father is not in a position to pay a single *cowrie* as *dowry*. I hope the Hon'ble Minister will withdraw his motion for circulation and allow the Bill to be referred to the Select Committee.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move, by way of amendment, that the Bengal Dowry Restriction Bill, 1941, be recirculated for the purpose of eliciting further opinion thereon by the 30th April, 1941.

Frankly speaking, I do not feel very much interested that this sort of social evils can be prevented by the Acts of Legislature The reasons are obvious and I will not have to go far to seek the reasons. The Sardah Act is there. The provision of that Act is observed more in the breach than in its observance. I have read very carefully the provisions of this Bill but I have doubts as to whether these social evils can be prevented by such provisions as contained in this Bill. But what I want to know is whether Government are serious about this Bill or not. If Government are not serious it is no use spending time, energy and money for this purpose. There are at least five dozen non-official Bills on the agenda but I am afraid that except the Bill of Mrs. Shahabuddin Government are not serious with any other Bill. Therefore, in my opinion it is better to recirculate this Bill.

With these words, Sir, I move my motion.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With your leave, Sir, in the absence of the Hon'ble the Nawab Saheb, I beg to move, by way of amendment, that the Bill be recirculated for the purpose of eliciting further opinion thereon by the 31st December, 1941.

Sir, this matter came before this House some time back and it was sent out for circulation. When a Bill of this nature was introduced in the other House, Government expressed their sympathy with the provisions contained in that Bill and with its object. My honourable friend, the mover of this Bill, knows very well that although the principles enunciated are very good, they are certainly of a far-reaching character. It cannot be denied that Bills of this character will involve the society in serious consequences and therefore it is necessary that all shades of representative opinion should be made

available to Government. I am sorry that I cannot see eye to eye with what my honourable friend, the mover of this Bill, has said. It is for this reason that Government do not want to oppose this Bill at this stage but want to ascertain the attitude of the people towards this Bill. It is more necessary to educate public opinion than to have legislative measures to stop social evils of this character. I know, Sir, a Bill of this character will be very much appreciated by any social reformer but so far as the Government is concerned, Government must seriously consider the far-reaching effects of a measure of this kind before they can lay their hands upon it. It is from that point of view that I say that Government do not want to oppose it but want to know the public opinion of the country.

Mr. ATUL KRISHNA GHOSE: We are convinced.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am very glad to find that I have been able to convince at least one Opposition member, Mr Atul Krishna Ghose, and in view of that fact, Sir, I do not want to take any more time of the House.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that the Bengal *Dowry* Restriction Bill, 1940, be recirculated for the purpose of eliciting further opinion thereon by the 31st December, 1941, was then put and agreed to

The Bengal Fisheries Bill, 1937.

Srijut NARENDRA NATH DAS GUPTA: Sir, I beg to move that the Bengal Fisheries Bill, 1937, be referred to a Select Committee consisting of:—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,

(2) Mr. Surendra Nath Biswas,

(3) Maulvi Abdul Latif Biswas,

(4) Babu Upendra Nath Barman,

(5) Maulvi Abu Hossain Sarkar,

(6) Babu Nagendra Nath Sen,

(7) Mr. Jogendra Nath Mandal,

(8) Mr. Syed Jalaluddin Hashemy,

(9) Mr. Charu Chandra Roy,

(10) Mr. Amrita Lal Mandal, and

(11) Srijut Narendra Nath Das Gupta (the mover),

with instructions to submit their report by the 30th April, 1941, the number of members forming the quorum being five.

যখন প্রথম আমি এই Bill সম্পর্কে বলি তখন আমার ধারণা ছিল না যে এই Bill এত শীঘ্র এই House-এর সামনে আসবে। কাজেই আমি 30th March পর্য্যন্ত সময় চেয়েছিলাম, কিন্তু, এখন আমি Speaker মহাশয়ের অনুমোদন ক্রমে এটাকে 30th April কোরতে চাই। এ বিষয়ে আমার বিশেষ বক্তব্য নেই।

Mr. SPEAKER : আপনি short কোরে বলে শেষ করুন।

Srijut NARENDRA NATH DAS GUPTA : যখন আমি প্রথমে এ বিল সম্বন্ধে আলোচনা করি তখন এর যৌক্তিকতা সম্পর্কে যা বলা দরকার ছিল তা বলেছিলাম এবং একথাও বলেছিলাম যে ভবিষ্যতে যা বলা দরকার তা বলবো। তখন মাননীয় মন্ত্রী মহাশয় আমাকে এই কথা বলেছিলেন যে Fishery সম্পর্কে Government একটা Committee নিযুক্ত কোরেছেন। তার report আমরা পেয়েছি, তার মধ্যে বহু জটিলতা আছে। প্রজাদের স্বত্ব, মধ্যবিত্ত স্বত্ব ইত্যাদি বিষয়ে বহু জটিলতা আছে। এই সমস্ত বিষয়ে আমার মন্তব্য পরে উপস্থিত করবো। Fisheries সম্পর্কে যে আইনের প্রয়োজনীয়তা আছে সে কথা কেহই অস্বীকার করেন না। মন্ত্রী মহাশয় সেই report সম্পর্কে আলোচনা করবার জন্য সময় নিয়েছিলেন—সে অনেক দিনের কথা। সেই report আলোচনা করে কি হ'ল না হ'ল, আজ পর্য্যন্ত আমাদের জানবার সুযোগ হয় নি। কিন্তু মৎস্যজীবিদের দুরবস্থা দিনের পর দিন বেড়ে যাচ্ছে। আমরা জানি Bengal Tenancy Act সম্পর্কে বহু জটিলতা আছে, ছিল এবং ভবিষ্যতেও থাকবে। তা সত্ত্বেও আমরা প্রজাস্বত্ব আইন সংশোধন কোরতে বিন্দুমাত্র দ্বিধাবোধ করি নাই। আমরা বহু প্রশ্ন অমীমাংসিত আছে বলে ধামাচাপা দিই নাই। সেই যুক্তি অনুসারে আমাদের মন্ত্রী মহাশয় কি এই কথা বলিতে পারেন যে তার মধ্যে জটিলতার প্রশ্ন থাকায় সেই বিষয়টি ধামাচাপা দেন? যাতে বাংলার মৎস্য-জীবি সম্প্রদায় কোন রকমে মান সম্পদ বজায় রেখে ধনে প্রাণে বাঁচতে পারে তার সুযোগ দেওয়া হউক। সেই সম্পর্কে আমরা আজ পর্য্যন্ত মন্ত্রী মহাশয়ের কাছ থেকে কোন আশা ভরসার কথা শুনতে পাই নি। এইমাত্র পেয়েছি তিনি একটা Amendment দিয়েছেন যে এই Billটি public opinionএর জন্য circulate করা হোক। আমরা জানি বাংলায় এমন কোন public opinion নেই যা এই Billএর বিপক্ষে আছে। Coalition, কৃষকপ্রজা, European এবং কোন দলই এই প্রকার Billএর বিরোধী বলে আমরা বিশ্বাস করি না। আমাদের Assemblyএর সদস্য Mr. Abdul Latif Biswas এবং Mr Amritlal Mondal এইরূপ উদ্দেশ্য লইয়াই এইরূপ Bill আনয়ন করেছিলেন। কাজেই আমি আশা করি মাননীয় মন্ত্রী মহাশয় এই সম্পর্কে এই Billকে circulate করার সঙ্গে সঙ্গে আমাদের এই আশ্বাস দিবেন এর পর যে session বসবে সেই sessionএ গভর্ণমেণ্টের তরফ থেকে এইরূপ একটি Bill আনয়ন কোরবেন।

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, I rise to support the motion of Srijut Narendra Nath Das Gupta.

Mr. SPEAKER: Then you are not anxious to go away at six.

Mr. NIHARENDU DUTTA MAZUMDAR: No, Sir, I am not, because as private members we have to take some interest in things which are systematically neglected by Government.

The House ought to be thankful to Mr. Das Gupta for bringing forward this Bill which should have been brought forward by the Government long ago if they had realised the importance of this question for the province of Bengal. Sir, apart from the question of sympathy for the very large number of people who live on the fisheries, who earn their livelihood through the means of fishing in various forms all over the province, this question of fisheries has also got an importance from the standpoint of the economic interest of the province which is of very great magnitude.

Sir, it has been known in recent years that the people of Bengal have been generally speaking undernourished. One of the principal nourishment that the people draw is from fish, and one of the economic wealth of Bengal has been the numerous fisheries scattered all over the province. But, Sir, a source of wealth of this importance for the province has been systematically neglected. It is known that apart from the use of fish as daily food, fish is also required for medicinal purposes. Bengal, and in fact the whole of India, imports a large amount of cod liver oil and other extracts from fish fat from various countries of the world. It is known that in the south of Bengal, in the upper ridges and creeks of the Bay of Bengal we have got a kind of fish which, if developed, would open up the prospect of a very lucrative industry for the extraction of oil which will be no less important and valuable than the cod liver and similar other oil which is imported into this province from abroad.

Sir, the other day in the course of discussions, reference was made from this side of the House to the necessity of developing money crop. Here the fisheries in Bengal supply us with the opportunity of developing actually an industry which will bring large amounts of money to the pockets of the people, to the fishermen, to the industrial workers who might be employed in this particular branch of industry with all the auxiliary and side branches of organisation that the development of fisheries will require.

Sir, from the point of view that the people of Bengal are being underpourished and something had to be done about it, the Government had some time ago set up a body called the Nutrition Committee. The importance of this question of nutrition was so crying that the

urgency of it had been recognised by Government as would be evidenced by their setting up of that committee for nutritional researches and investigations. May I ask the Hon'ble Minister in this connection to enlighten the House as to what report this Committee of Nutrition had to submit with regard to the prospects and possibilities of developing the fisheries in Bengal and various industries that would be opened up in this connection and what the Government has done in connection with that report? Sir, our fisheries are being denuded of the stock that we have. There is absolutely no policy whatsoever on the part of the Government with a view to preserve the fisheries, with a view to increase the stock. There are numerous species in the fisheries which are dying off very fast indeed. They are dying off very fast for want of proper policy for the purpose of preservation of fisheries. They are also being destroyed as a result of the neglect which is the lot of the various rivers and waterways in the province. That, Sir, is one aspect of the question which demands the urgent and immediate attention of this House. There is another aspect to this question. If only one has the patience to look round to see the fate of fisheries in Bengal, one discovers that everywhere on the question of fisheries and fishing rights there is an immense number of disputes often leading on to violent clashes between the fishermen and the middlemen who come forward as mere profiteering agents between the zamindars, who are the ultimate owners of fisheries, and the fishermen. Every year we find in different places fishing rights taken away from people who have been customarily entitled to carry on their trade and those places are leased out to middlemen. Fisheries in that way have been made a source of drawing additional income for the landowners and owners of waterways and there is imposition of additional taxes on fishermen calculated at particular rates for every particular net that the fishermen use for the purpose of their catch. Sir, these are the grievances which one hears everywhere in every part of Bengal among the fishermen, but there has been so far nothing but absolute indifference on the part of the Government with regard to the demands of the fishermen. We have now come to a state when the question of resuscitating the dying rivers has come up to the forefront. We want to resuscitate the dying rivers for the purpose of improving the conditions of our land, for the purpose of improving the waterways for internal and inland trade. We also want to resuscitate the dying rivers with a view to produce and preserve this particular form of wealth in which the province abounds. From all these angles of vision and from all standpoints, we find that the question of resuscitating the dying and decaying rivers cannot be left out of account in this connection. The question of preserving old fisheries which are fast going to waste and new fisheries which are fast going to waste and new fisheries which can be developed and the question of preservation of our present fisheries, all these questions are interlinked and should have

formed the subject of a comprehensive scheme and policy on the part of the Government. This Government, which has come forward in the name of nation-building and using nation-building as the pretext for taxation and other purposes, might have given a little thought to this question long ago of its own initiative, if only it had realised its responsibilities and duties towards these people and to the province as a whole. But since they have not done anything, since the Government has systematically neglected this problem, at the end of 4 years of its tenure of office we know that there is hardly any possibility, if things are left to Government, of anything being done. Therefore it is only proper that the motion which Srijut Narendra Nath Das Gupta has brought forward proposing to set up a Select Committee to go into this question and to submit its report by the 30th April shows only that on this side of the House the urgency of this question has been realised and we therefore wish that Government at least should share our anxiety to see that the matter is not delayed. The ordinary humdrum dilatory tactics of moving a recirculation motion of this Bill will not only be ruinous for thousands and thousands of fishermen all over the province but it will also be harmful to the province as a whole. Sir, if Government might not be so very mindful about this aspect of the question, they might at least be mindful about the question of peace and tranquillity of the province. I can, through you, tell the members of this House from personal experience and observation of what little I have been able to gather of the grievances of the fishermen that they have come to a point when the conditions under which they have to toil and suffer have become well nigh intolerable. We shall very soon find riots going on all over the province, lootings taking place and things of that kind. I can tell you, Sir, and through you the members of this House that the various fisheries will become the plague spots of discontent and riot of a very serious magnitude unless immediate attention to the question of fishermen is given. If Government continues to neglect, I say that the fishermen will only be justified, if not for any other reason, for the reason of sheer callousness and apathy of Government, to rise up on their own to stop payment. And we shall welcome them to do so to assert their rights and to declare that until Government has fully gone into the question and formulated some definite scheme and policy with regard to fisheries they will not pay the fishing taxes which are not imposed by Government, but, which encouraged by the Government's apathy, are imposed by the landlords and owners of these waterways in a most atrocious and arbitrary way. This has led to a series of ruinous litigation up to the High Court in Bengal and has created such discontent that every season we find that when the time comes for leasing out fisheries immediately it is followed by some sort of clashes between fishermen and the zamindars. Government and the police are always on the side of the owners of waterways to the deriment of the interests of the fishermen and therefore, Sir, Government

by adopting the dilatory tactics will simply be helping things to get worse and worse until they become uncontrollable. Not only that, while by timely attention to this question we could have built up trade and industry for the province of Bengal, by this form of dilatory tactics and neglect we shall be ruining that source of wealth for the province and for our people and ultimately it will become too late for the Government to do anything. When I am saying these things I do not, of course, in the least expect that Government will show any serious anxiety to come to grips with this question. But even so it is the duty of members of this House to raise this question and to impress upon them its importance Sir, I referred at the earlier part of my observations to the Nutrition Committee which made its recommendations about fisheries The contribution of the Government to the Nutrition Committee has, I am told, so far been a sum of Rs. 5 and a rubber stamp only to put the Government seal on the report of the Nutrition Committee. The enthusiastic band of young scientists and other experts who are capable of carrying on very important research work and suggesting very helpful ways for developing the fisheries and other subsidiary industries find that their enthusiasm is simply being cramped by the apathy and indifference of the Government. Sir, if Government would not wake up, it will be too late So far as we on this side of the House are concerned, we think that this is a motion on which there can be no shilly-shallying The motion will have to be taken up in right earnest. Therefore, I would appeal to the Government and to my friends opposite to consider the importance and urgency of the question and to persuade the Government to accept this motion because this is a question which concerns the interests of all, Opposition and the Coalition alike Sir, I commend the motion which has been moved by Srijut Narendra Nath Das Gupta to the acceptance of the House

Mr. ATUL CHANDRA SEN: Mr Speaker, Sir, I shall not very much stand in the way of your adjourning the House at 6 p m. if you so desire, but I hope you will allow me to say just a few words in support of this Bill. My constituency happens to be largely a constituency of fishermen, and unless I support this Bill, those fishermen while catching fish will also catch my ears (Laughter.) To talk seriously the fishermen have seen me from time to time and we have an association of fishermen called the Padma Matsya Jibi Samiti with their headquarters in my constituency. The representatives of that Association saw me about a month ago and placed before me a catalogue of their grievances. Their grievances are very real and hard. I feel and the Hon'ble Minister in charge also must feel that fishermen in this province work under real disabilities and something must be done to ameliorate their lot. I have carefully read the Bill of Mr. Das Gupta, and I feel that some of the grievances of the fishermen will be removed if this Bill is passed into law. It may

be said that all the provisions made in the Bill are not acceptable. If it is so, it may be changed in the Select Committee. But I submit that the Bill is a move in the right direction and that it ought to be accepted by the House. Sir, I accord my wholehearted support to the Bill and thereby save my ears. (Laughter.)

Mr. NIHARENDU DUTTA MAZUMDAR: I would ask the Hon'ble Minister also to enlighten us with the recommendations of the Nutrition Committee?

Mr. SPEAKER: I find that even after delivering a long speech, you are not yet satisfied!

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have every sympathy with the object of the Bill. The fishermen in Bengal form a very important link in the economic structure of the province, but they are a very poor and helpless class and I know from my personal experience that they are very often made the victims of great oppression by men in influential position. There is no gainsaying the fact that some legislation is necessary to protect the lives of these fishermen. The Opposition thinks, Sir, that Government has not been doing anything in the matter. It is only there that I differ from them. I may tell them that Government have not been sitting idle. Mr. Niharendu Dutta Mazumdar has raised several questions which are not at all the subject matter of the Bill. He has talked about development of fisheries, about the Nutrition Committee that has been appointed, about preservation of fish, about resuscitation of rivers, and so on and so forth. But if he cares to read the Bill presented by his friend he will see that these things do not find place in the Bill which he is so eager to support.

Sir, the position of Government is this, that Government is anxious to bring forward a comprehensive measure to deal with the rights of fishermen, and with this end in view a Special Officer was appointed. The Special Officer submitted his report in 1940. That report is still under consideration. As soon as Government has come to a decision on that report, a Bill will be introduced, and I hope that Bill will remove the outstanding grievances of the fishermen.

So far as the other questions raised by my friend Mr. Niharendu Dutta Mazumdar, viz., development of fisheries, Nutrition Committee Report, preservation of fish, all these things are concerned, these cannot be incorporated in a Bill dealing with the rights of fishermen. The rights of fishermen are sought to be dealt with by the present Bill, and when the Government brings forward its Bill, that Bill will deal with the question of rights that the fishermen enjoy and further rights that should be conferred on them. But the other question, viz., the development of fisheries, cannot be the subject matter of a Bill like that.

So far as the other matters are concerned, I hope the House will remember that in the coming year's budget a decent provision has been made for the establishment of a Fishery Department in Bengal

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Rai HARENDRA NATH CHAUDHURI: In the current year, not in the coming year.

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, in the current year's budget.

The first step that Government is going to take in the matter is the appointment of a Director of Fisheries. Government has already taken steps, and as soon as the Director of Fisheries is appointed——(Rai HARENDRA NATH CHAUDHURI: Is on the saddle?)——yes, he will examine the recommendations made by Dr. Naidu who made a very elaborate enquiry regarding the development of fisheries in Bengal. Therefore when that department is established, the questions of development of fisheries, preservation of fish, transport of fish and all other allied questions will be taken up but the question of rights of fishermen cannot be dealt with along with the question of development of fisheries, far less along with the question of resuscitation of rivers in Bengal. That is a very important as well as a very difficult question, and I for myself do not know when Government will be able to solve that difficult problem of resuscitation of rivers in Bengal and that is not a matter with which we are concerned at present

Mr. Dutta Mazumdar made a startling statement on the floor of the House. He has said that if the Government does not do anything to remedy the grievances of fishermen, then if the fishermen take the law into their own hands, if they refuse to pay the rents of the zamindars, they will have every sympathy or support for a movement like that I submit, it is a very dangerous statement and if by this Mr Dutta Mazumdar intends to incite the fishermen to take the law into their own hands, I am sure it will be the fishermen themselves who will be the greatest sufferers, and I do not think that the true friends of fishermen will ever advise them to take a dangerous course like that The insinuation that my honourable friend has thrown to-day to the fishermen of Bengal on the floor of the House may itself prove to be dangerous, but I hope our fishermen who are all law-abiding people will not take any dangerous and mischievous insinuation like that into serious consideration.

Mr. NIHARENDU DUTTA MAZUMDAR: Government is encouraging the owners of fisheries to take the law into their own hands.

The Hon'ble Mr. TAMIZUDDIN KHAN: That is a lie.

Mr. NIHARENDU DUTTA MAZUMDAR: That is a truth to which the fishermen will give a return compliment very soon.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, so far as the present Bill is concerned, I am sorry Government is not in a position to support the Bill because it is defective in many respects. I may point out here some of the defects of the present Bill. It gives no criteria whatsoever on which the rents of fishery leases are to be fixed. There is nothing to show whether a person is a *bona fide* fisherman or not. Then also a very complex machinery is proposed to be set up for the settlement of rents of fisheries. That scheme, to my mind, will be altogether unworkable. That being so, Government is not in a position to give support to a defective Bill like this. As I have said, Government is very anxious to bring forward a Bill of its own, and I also regret the delay that has taken place. I hope no further delay will take place and an appropriate Bill will be brought forward as soon as possible.

With these few words, Sir, I oppose the motion

The motion of Srijut Narendra Nath Das Gupta that the Bengal Fisheries Bill, 1937, be referred to a Select Committee consisting of :-

(1) The Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,

(2) Mr Surendra Nath Biswas,

(3) Maulvi Abdul Latif Biswas,

(4) Babu Upendra Nath Burman,

(5) Maulvi Abu Hossain Sarkar,

(6) Babu Nagendra Nath Sen,

(7) Mr Jogendra Nath Mandal,

(8) Mr Syed Jalaluddin Hashemy,

(9) Mr Charu Chandra Roy,

(10) Mr Amrita Lal Mandal, and

(11) Srijut Narendra Nath Das Gupta (the mover),

with instructions to submit their report by the 30th April, 1941, the number of members forming the quorum being five, was then put and a division taken with the following result:—

AYES 38.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. Satya Priya.
Barma, Babu Prombari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jalindra Nath.
Chaudhuri, Rai Narendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.

Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Ardhaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Singha, Babu Kshetra Nath.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—77.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Motaleb Malik, Dr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Razzak, Maulvi.
Abul Hosain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Bell, Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Golam Rabbani Ahmed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gyasuddin Ahmed Chowdhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hasina Murshed, Mrs., M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Pansi, Al-Hadj Maulvi.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mustagawsal Haque, Mr. Syed.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Sadaruddin Ahmed, Mr.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Stark, Mr. A. F.
Sinclair, Mr. J. F.
Sirdar, Babu Lilta Munda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.

The Ayes being 38 and the Noes 77, the motion was lost.

The Bengal Court of Wards (Amendment) Bill, 1937.

Maulvi ABU HOSSAIN SARKER: Sir, I beg to move that the Bengal Court of Wards (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,

(2) Mr. Moslem Ali Mollah,

(3) Mr. Rajibuddin Tarafdar,

(4) Mr. Mafizuddin Ahmed,

(5) Mr. Rasik Lal Biswas,

(6) Mr. Puspajit Barma,

(7) Mr. Asimuddin Ahmed,

(8) Kazi Emdadul Haque,

(9) Mr. Satya Priya Banerjee,

(10) Mr. Abdul Wahed, and

(11) the mover,

with instructions to submit their report by the 15th July, 1941, the number of members forming the quorum being five.

Sir, this Bill was first moved in 1937. Subsequently it came before the House when the Government moved for circulation. This time according to law I am to move for referring it to a Select Committee. The reason for introducing this Bill is obvious and the Bill is very simple. By clause 4 of the Bill I want to repeal clause (c) of section 6 of the Bengal Court of Wards Act. This sub-section provides that any zamindar may declare himself as disqualified proprietor and request the Government to take charge of his property. I submit that this provision has become rather obsolete. Everybody is expected to manage his own property and the zamindars have no right to harass the Government. Since the provision is introduced in the Act, they are taking advantage of it and a good deal of Government's energy is being spent in managing the private properties of zamindars. The other two provisions are 6A and 6B. I like to introduce section 6A so that the properties already taken under the charge of the Court of Wards under clause (c) of section 6 of the Act may be released, and section 6B so that the disqualified proprietor may be disqualified also from being appointed or elected as a member of a local body. When this Bill was circulated for opinion, several public bodies responded, the most prominent among them being the Bar Associations of Bakarganj, Dacca and Hooghly, who were in favour of getting this Bill passed into law. Then again, Sir, opinion was also expressed by the recent Land Revenue Commission and some of the members of that Commission have expressed the view that if these properties are released from the Court of Wards, the Government may have an opportunity of buying them out. By this Bill of course I do not mean that the properties of zamindars who actually need help such as widows, minors, orphans, etc., should be taken away. On the other hand, Mr. Speaker, these disqualified proprietors after giving their properties to the Court of Wards for management are encroaching on the rights of the public. As for example by

their influence and by their wealth, they are practically monopolising all our public bodies. The Ministry of this province is in a way monopolised by the disqualified proprietors. Very recently we have seen that the District Boards and Local Boards are also being monopolised by these people. Therefore I submit that by releasing these properties by the Court of Wards the activities of the zamindars may be confined to managing their own properties instead of disturbing the public life in this way.

With these words, Sir, I commend my motion for the acceptance of the House.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have to oppose this motion. I was first of all at a loss to understand why under one of the provisions of the Bill disqualified proprietors should be debarred from being members of local bodies. My friend, the mover of the Bill, has now explained it. Until he had explained it, I was at a loss to understand why that provision was incorporated. Sir, his object will be frustrated if this Bill is passed because the gentlemen who are now occupying seats in local bodies and also according to him in the Ministry, as soon as this Bill is passed, will no longer be disqualified proprietors and these very gentlemen will be qualified to stand as members of local bodies and also other bodies. Therefore if my friend wants to attain his object by the passing of this Bill, his object will be frustrated.

Then, Sir, I do not know what are the reasons behind a Bill like this. He has of course referred to the fact that if these estates are released from the management of the Court of Wards, then Government will get an opportunity to purchase these estates. But, Sir, the Government have not yet come to any decision on the recommendations of the Floud Commission My friend's observation would have been relevant if the Government had come to a decision on the recommendations of the Floud Commission and if that decision was that the estates should all be purchased by Government. That decision has not yet been arived at. Therefore from that point of view also his Bill is a little too premature.

Then, Sir, I would also like to state that this management by the Court of Wards gives certain advantages to a large number of people. The management of estates by the Court of Wards affords opportunities for a closer contact between the Collector and the tenantry and for the removal of many abuses. The restriction that the Bill proposes will make such contact and redress difficult in a large number of cases. The proper and timely collection of Government revenue is also a very important consideration. I don't think, therefore, that there is any good reason behind this Bill which is proposed to be sent to a Select

Committee by my honourable friend. The House, I hope, is not in agreement with him so far as the principle of the Bill is concerned and I hope that the House will reject the motion.

With these few words, Sir, I oppose the motion.

The motion of Maulvi Abu Hossain Sarker that the Bengal Court of Wards (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,

(2) Mr Moslem Ali Mollah,

(3) Mr Rajibuddin Tarafdar,

(4) Mr. Mafizuddin Ahmed,

(5) Mr Rasik Lal Biswas,

(6) Mr. Puspajit Barma,

(7) Mr Asimuddin Ahmed,

(8) Kazi Emdadul Haque,

(9) Mr Satya Priya Banerjee,

(10) Mr Abdul Wahed, and

(11) the mover,

with instructions to submit their report by the 15th July, 1941, the number of members forming the quorum being five, was then put and lost

The Bengal Anti-Thumb Impression Bill, 1939.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move under the proviso to rule 19 (2) of the Bengal Legislative Assembly Procedure Rules that the Bengal Anti-Thumb Impression Bill, 1939, be continued.

The motion was then put and agreed to

The Bengal Non-Agricultural Tenancy Bill, 1939.

Maulvi ABDUL HAKIM: Sir, I beg to move that the Bengal Non-Agricultural Tenancy Bill, 1939, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,

(2) Maharaja Shashi Kanta Acharya Choudhury, of Muktagacha, Mymensingh,

(3) Mr. Abdul Wahab Khan,
(4) Mr. Shahedali,
(5) Maulvi Abdul Hamid Shah,
(6) Mr. Syed Abdul Majid,
(7) Maulvi Ahmed Ali Mridha,
(8) Mr. Abdul Karim,
(9) Mr. Fazlur Rahman (of Mymensingh),
(10) Mr. Yusuf Ali Choudhury,
(11) Maulvi Muhammad Israil, and
(12) the mover,

with instructions to submit their report by the 31st May, 1941, the number of members forming the quorum being five.

Mr Speaker, Sir, বাংলাদেশে বহু প্রজা সহরে বাজারে খাজনা দিয়া জমিদারদের অধীনে বাস করিতেছে অথচ তাহাদের নিজেদের কোন স্বত্ব নাই। তাহারা জমিদারের অনুগ্রহের উপর বাস করে। আমার মতে চাষী-প্রজাদের জমির উপর যে রকম স্বত্ব আছে ইহাদেরও সেইরূপ স্বত্ব থাকা উচিত। এই সব প্রজাদের উপর স্থানে স্থানে এত জুলুম হইতেছে যে, তাহা ভাষায় বর্ণনা করা যায় না। জমিদারেরা তাহাদের sweet will অনুসারে এই সব প্রজাদের উচ্ছেদ করিতেছে। কাজেই যাহাতে এই সকল অচাষী প্রজা এইরূপে উচ্ছেদ হইতে না পারে সেইজন্য আমি এই Bill উপস্থিত করিয়াছি। তবে মাননীয় মন্ত্রী মহাশয় এরূপ assurance দিয়াছেন যে আগামী জুলাই মাসে তিনি অনুরূপ একটি Bill উপস্থিত করিবেন। সেইজন্য আমি Government Partyর একজন সদস্য হিসাবে আমার বিলের উপর বিশেষ জোর দিতে চাই না। খুব সম্ভব মন্ত্রী মহোদয় একটি Amendment আনিবেন যে এই Billটি জনমত সংগ্রহের জন্য circulate করা হউক। আমি সেই Amendment accept করিব।

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr Speaker, Sir, I beg to move, by way of amendment, that the Bengal Non-Agricultural Tenancy Bill, 1939, be recirculated for the purpose of eliciting further opinion thereon by the 30th September, 1941.

As the honourable the mover has admitted, Government has given an assurance that a Government Bill will be brought forward in the July session. In view of that assurance, Sir, he has also said that he does not like to press his motion. I think the House is aware that the Chandina Committee has submitted its report and on the basis of that report Government has promised to bring forward a Bill. In view of that assurance, Sir, I hope there will be no demand from this House to send this Bill to a Select Committee. The mover himself is prepared to accept the Government motion for recirculation.

The motion of the Hon'ble Mr. Tamizuddin Khan was then put and agreed to.

The Bengal Village Self-Government (Amendment) Bill, 1940.

Mr. CHARU CHANDRA ROY: Sir, I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Local Self-Government Department,
(2) Dr. Govinda Chandra Bhawmik,
(3) Babu Nagendra Nath Sen,
(4) Mr Kiran Sanker Roy,
(5) Srijut Narendra Nath Das Gupta,
(6) Mr Adwaita Kumar Maji,
(7) Mr Krishna Prasad Mandal,
(8) Babu Lakshmi Narayan Biswas,
(9) Mr Amrita Lal Mandal,
(10) Mr Mirza Abdul Hafiz,
(11) Maulvi Muhammad Israil,
(12) Kazi Emdadul Haque,
(13) Maulvi Abu Hossain Sarkar,
(14) Maulvi Wahid Rahman,
(15) Mr Pulin Behary Mullick, and
(16) the mover,

with instructions to submit their report by the 31st July, 1941, the number of members forming the quorum being five.

Mr. Speaker, Sir, আমি বোলতে চাই আমার বিলের অনুরূপ একটি Bill যাহা Mr. Md. Israil উপস্থিত কোরেছিলেন এখন Select Committeeতে আছে। কিন্তু আমার বিল সম্বন্ধে দেখছি গভর্ণমেণ্ট জনমত সংগ্রহের জন্য একটি Amendment এনেছেন। এর কারণ আমি বুঝতে পারি না। 15th April পর্য্যন্ত এই Select Committeeর Report দিবার সময়। গভর্ণমেণ্ট হয়ত বিষয়টিকে ধামাচাপা দিতে চেষ্টা কোরছেন। Government যখন Bengal Self-Government Act এনেছিলেন তখনই তাঁদের এ সম্বন্ধে একটি সংশোধনী প্রস্তাব আনা উচিত ছিল, এবং ইতিমধ্যেই এইরূপ একটি আইন পাশ করা উচিত ছিল।

Mr. SPEAKER: Unfortunately, the Nawab Bahadur is not here to-day. I think Mr. Tamizuddin Khan can take the responsibility.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move, by way of amendment, that the Bengal Village Self-Government (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

Sir, the main features of this Bill are abolition of nomination, introduction of universal adult franchise, removal of the control of District Magistrates over the appointment, pay, dismissal, fining and other forms of punishment of the Dafadars and Chaukidars and the making of a statutory provision for the making over of half of the road cess receipts to the union boards. The Bill thus seeks to introduce drastic changes of a very far-reaching character, some of which are already under the consideration of Government in connection with their proposals for amendment of the Act. Moreover the matter relating to Chaukidars and Dafadars has formed the subject-matter of the Chaukidari Enquiry Committee whose report is now under the consideration of Government. In view of the fact that Government themselves are considering comprehensive legislation to amend the Village Self-Government Act, piecemeal legislation by a private member is to be deprecated and I accordingly oppose the motion for reference to the Select Committee and commend my motion for circulation to the acceptance of the House.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, I want to speak one word.

মাননীয় মন্ত্রী মহোদয় যাহা বোলেছেন তার উত্তরে আমি বলতে চাই যে বর্ত্তমানে যে বিলটি Select Committeeর বিবেচনাধীন আছে সেইটির সহিত তুলনা কোরলে দেখা যায় আমার বিলে অনেক নূতন বিষয় আছে। আমার বিলে Reservation of seats for minorities এবং cess যা collected হবে তার অর্দ্ধেক Union Boardএর fundএ দেওয়ার ব্যবস্থা আছে। এই সামান্য difference এর জন্য আমার Bill টিকে circulationএ দেওয়ার কি কারণ থাকতে পারে? অবশ্য ভোটের জোরে সবই হোতে পারে।

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Village Self-Government (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941, was then put and agreed to.

The Bengal Fisheries Bill, 1940.

Mr. AMRITA LAL MANDAL: Sir, I beg to move that the Bengal Fisheries Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,

(2) Mr. Upendra Nath Edbar,

(3) Mr. Upendra Nath Barman,
(4) Mr. Syed Hasan Ali Chaudhury,
(5) Mr. Monmohan Das,
(6) Mr. G. Morgan, C.I.E.,
(7) Mr. Mirza Abdul Hafiz,
(8) Mr. Charu Chandra Roy,
(9) Mr. Surendra Nath Biswas,
(10) Maulvi Rajibuddin Tarafdar, and
(11) the mover,

with instructions to submit their report by the 30th June, 1941, the number of members forming the quorum being five.

In moving for the reference of the Bengal Fisheries Bill, 1940, to a Select Committee I beg to speak a few words on the miserable plight of the fishermen in Bengal. There are about 5 lakhs of fishermen belonging to different communities, but they carry on a profession which is hardly remunerative enough to enable them to make both ends meet. It was aptly observed in the Report of the late Sir K. G. Gupta on "Fisheries of Bengal" that "the income of an ordinary fish catcher working with parties or by himself varies from Rs. 4 to Rs. 12 per month." If this is the average income of a fishing family, their miserable plight may be easily guessed. It is not only the miserable income of the fishermen that is responsible for their pitiable condition, but also the way in which they are exploited by the middlemen, the zemindars and other intermediate *izaradars* of fisheries is ruining the fishermen in Bengal. They have no rights in the fisheries, be it *bil*, rivers or tanks, but they have to pay large rents to the proprietors of such fisheries for the advantage of catching fish therein. Over and above rents, they have also to pay many types of extra-payments like *abwabs*, *Ihutoari* charge etc., which are veritable burdens on them. In order to do away with this state of things or at least to lessen the rigours of such malpractices, I beg to urge for the adoption of the Bill by the House and I hope that if it is accepted and passed into law, much of the sufferings of the fishermen will disappear.

Consider, Sir, that for the improvement of the economic conditions of the tillers of soil, we have passed the Tenancy Act, the Money-lenders Act, the Agricultural Debtors' Act, etc., but the Government have so far done nothing for the poor and helpless fishermen of Bengal who number more than 5 lakhs. They are like the agriculturists the tillers of water and fulfil an important role in the matter of supplying food articles to the people. In the fitness of things it is, therefore, extremely desirable that the Government should initiate a legislation so that the malpractices and injustice under which the fishermen are suffering may be removed. The present Bill aims at such an objective.

In two directions suitable measures are called for. In the first place there should be improvement in the economic position of the fishermen and in the second place fishermen should be so organised on co-operative principles that the middlemen may be eliminated and the bulk of the profits from fish trade may be obtained by them. There has been an accepted principle that the *jalmahals* of Government should not be leased to persons other than fishermen. Unfortunately, this principle is not at all followed in practice. Since non-fishermen mostly obtain leases of fisheries, actual fishemmen have to pay exorbitant rents and other various charges under one pretext or other. Such a practice must be discontinued. Fishery can be a very productive industry of Bengal under suitable arrangements. At present fish catching is not done in a scientific manner with the result that much wastage of fish resources takes place. There should, therefore, be a full-fledged Fishery Department in order to advise people on these problems. Besides in order to develop subsidiary industries like the production of fish oil, utilization of fish gins and bones, such a department may render valuable services. It is a matter of gratification that the Bengal Government are going to establish such a department very soon. Along with the functioning of this department, if the measures as recommended in the present Bill are carried into effect, I am sure the conditions of the fishermen may be materially improved With these remarks, Sir, I move for the reference of the Bill to a Select Committee.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move by way of amendment that the Bengal Fisheries Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

Sir, I have already made the intention of Government clear in connection with another motion of a similar nature Therefore, Sir, I shall not make any lengthy speech on this occasion It will be seen, Sir, that the provisions of this Bill are somewhat different from the provisions of the other Bill that has been rejected by the House and I think, Sir, that this Bill may very well go into circulation so that public opinion may be elicited By the time public opinion is elicited Government will not only get the benefit of that opinion but also will have examined the report of the Special Officer and I think an appropriate Bill will be brought by Government in due course.

With these few words I commend my motion to the acceptance of the House

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Fisheries Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941, was then put and agreed to.

The Bengal Prevention of Brothels in Fairs Bill, 1940.

Mr. JATINDRA NATH CHAKRABARTY: Sir, I beg to move that the Bengal Prevention of Brothels in Fairs Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

The motion was then put and agreed to

The Bengal Local Self-Covernment (Amendment) Bill 1937.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move that under the proviso to rule 19(2) of the Bengal Legislative Assembly Procedure Rules that the Bengal Local Self-Government (Amendment) Bill, 1937, be continued.

The motion was then put and agreed to

Khan Bahadur MOHAMMED ALI: Sir, I also beg to move that the Bengal Local Self-Government (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

The motion was then put and agreed to

The Bengal Wakf (Amendment) Bill, 1940.

Dr. SANAULLAH: Sir, I beg to move that the Bengal Wakf (Amendment) Bill, 1940, be referred to a Select Committee consisting of:-

(1) the Hon'ble Mr. A. K. Fazlul Huq Minister-in-charge of the Education Department,

(2) Maulvi Abdur Razzaq,

(3) Maulana Shamsul Huda,

(4) Khan Sahib Maulana Aminullah,

(5) Shah Syed Golam Sarwar Hossaini,

(6) Maulana Md. Maniruzzaman Islamabadi,

(7) Maulvi Muhammad Ibrahim,

(8) Khan Bahadur Maulana Ahmad Ali Enayetpuri,

(9) Khan Bahadur Mohammed Ali,

(10) Mr. Syed Badrudduja,

(11) Sahibzada Kawan Jah Syed Kazam Ali Mirza,

(12) Mr. Syed Nausher Ali.

(13) Mr. Santosh Kumar Basu,

(14) Mr. W. C. Wordsworth, and

(15) the mover,

with instructions to submit their report by the 1st October, 1941, the number of members forming the quorum being five.

Mr. Speaker, Sir, in commending my motion to the House I beg to refer to a few salient provisions made in the Bill. The first is that under the Bengal *Wakf* Act, 1934, *wakf* properties are taxed to the extent of 5 per cent. of their net income and 2½ per cent. of the net income of the *Wakf-al-al-Awlad*. This has been held by competent *ulamas* to be illegal according to the strict Shariat Law. Government are not to provide finance for the supervision of these trusts and *wakfs* by taxing the *wakf* properties themselves which is against the intention and interests of the *wakifs*—founders of *wakfs*. This being so provision has been made in my Bill, for the elimination of the taxation clause and to tax the *matwalli's* income derived from the *wakf* estate concerned. If there be any constitutional or legal difficulties the Provincial Government may approach the authorities concerned for the solution of this problem.

Another salient point is that we want to reorganise the mosques, not only the mosques but also institutions like the library and the maktabs that are attached to the mosques. If we want to really bring about a renaissance in Islam, there is no other alternative but to reorganise these mosques where Muslims meet together five times daily and once weekly and these meetings are held without notice. With this end in view I have suggested certain particulars to be kept on record of the Mosque Register to be compiled under the provisions of my Bill. Another point is *sadaqat-i-Wajibah* or organised charity all of which should be collected, disbursed and administered by one department. For these reasons I have suggested amendments in this Bill.

With these few words, Sir, I commend my motion to the acceptance of this House.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move by way of amendment that the Bengal Wakf (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Sir, I can assure my honourable friend, the mover of this Bill, that Government have got certain measures under contemplation. As a matter of fact, they are in communication with the statutory Board of *Wakfs* under the existing Act as to the measures which should be adopted for the purpose of doing the very things mentioned by the honourable member in this Bill. It is from that point of view that

Government want to have time to consider all these matters in detail. Sir, we now propose that this Bill be circulated for eliciting opinion by the 30th of June, 1941, so that we might be ready to deal with the question in all its aspects.

Dr. SANAULLAH: Sir, I accept the amendment.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that the Bengal Wakf (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941, was then put and agreed to.

(At this stage, the House was adjourned for 15 minutes.)

(*After adjournment.*)

The Bengal Tenancy (Amendment) Bill, 1940.

Mr. MAQBUL HOSAIN: Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,

(2) Maulvi Abu Hossain Sarkar,

(3) Maulvi Asimuddin Ahmad,

(4) Maulvi Rajibuddin Tarafdar,

(5) Maulvi Muhammad Abul Fazl,

(6) Mr. Khagendra Nath Das Gupta,

(7) Khan Bahadur Hashem Ali Khan,

(8) Maulvi Idris Ahmad Mia,

(9) Mr. Tarak Nath Mukherjee, M.B.E.,

(10) Mr. G. Morgan, C.I.E.,

(11) Mr. Jogesh Chandra Gupta,

(12) Mr. Sasanka Sekhar Sanyal,

(13) Mr. Satya Priya Banerjee,

(14) Mr. Monmohan Das,

(15) Maulvi Muhammad Israil,

(16) Maulana Muhammad Manirazzaman Islamabadi, and

(17) the mover,

with instructions to submit their report by the 15th May, 1941, the number of members forming the quorum being seven.

সভাপতি মহোদয়, ইং ১৯৩৭, ৩৮, ৩৯ এই তিন বৎসরে বঙ্গীয় প্রজাস্বত্ব আইন তিন বার সংশোধন করা হইয়াছে। কিন্তু, ইহার দ্বারা কৃষকপ্রজা বিশেষ কোন উপকৃত হয় নাই। ১৯৩৭ সালে বঙ্গীয় প্রজাস্বত্ব আইনের যে আমূল সংশোধন করা হইয়াছে বলিয়া মন্ত্রীমণ্ডলী দাবী করেন তাহাতে কেবল নজর, সেলামী এবং জমিদারের অগ্রক্রয়ের অধিকার রহিত করা হইয়াছে। কৃষকপ্রজার খাজনা হ্রাস করিবার এবং খাজনা বৃদ্ধি করিতে জমিদারের অধিকার রহিত করিবার কোন ব্যবস্থাই উহাতে করা হয় নাই। খাজনা বৃদ্ধি কেবল দশ বৎসরের জন্য স্থগিত রাখা হইয়াছে। উক্ত সময় অন্তে খাজনা বৃদ্ধি করা যাইবে।

কৃষকপ্রজা এসেম্ব্লী পার্টির চাপে ইং ১৯৩৯ সনে বঙ্গীয় প্রজাস্বত্ব আইনের যে সংশোধন করা হইয়াছে তাহাতে কৃষকপ্রজা একটী মাত্র সামান্য রকম সুবিধা লাভ করিয়াছে বলা যাইতে পারে। এই সুবিধাটী হইল এই যে, বাকী খাজনার মামলার ডিক্রীতে যে জোত বা জোত কয়টি বা তালুকের খাজনার বাকী পড়ায় ডিক্রী হইয়াছে সেই জোত বা জোত কয়টি বা তালুকটি বিক্রয় করিয়াই আদায় করিতে হইবে। অন্যান্য স্থাবর অস্থাবর সম্পত্তি ক্রোকে নিলাম করিয়া আদায় করা চলিবে না। বাকী খাজনার যে ডিক্রীর টাকার জন্য কৃষকপ্রজার সমস্ত জোত নীলাম হয় উক্ত জোত জমির বাজার মূল্য ডিক্রীকৃত টাকা অপেক্ষা অনেক বেশী। সামান্য টাকার জন্য কৃষকপ্রজাকে সমস্ত জোত জমি মায় বসত বাড়ী খোয়াইতে হয়। অথচ জোত ভূমির সামান্য অংশ বিক্রয় করিলেই ডিক্রীর টাকা পরিশোধ হইতে পারে। কিন্তু, আইনে জোত ভূমির অংশ বিক্রয় করিবার কোন বিধান নাই।

উল্লিখিত তিন বৎসরে তিনবার প্রজাস্বত্ব আইনের যে সংশোধন করা হইয়াছে তাহাতে কৃষকপ্রজা নামে মাত্র অধিকার পাইলেও একটী বিষয় বিশেষভাবে লক্ষ্য করিবার আছে যে, প্রজাস্বত্ব আইনের ইতিহাসে এত ঘন ঘন প্রজাস্বত্ব আইনের সংশোধন করা কখনও হয় নাই। ইং ১৮৮৫ খৃষ্টাব্দে প্রজাস্বত্ব আইন প্রথম বিধিবদ্ধ করা হয়। তারপর দীর্ঘদিন চলিয়া গেল; এই সময়ের মধ্যে দুই তিনবার প্রজাস্বত্ব আইনের সামান্য সামান্য সংশোধন হইলেও, ইহাদ্বারা কৃষক-প্রজার প্রকৃত হিতজনক কোন কার্য্য হয় নাই, বরং কৃষক-প্রজাকে শোষণ করিবার নূতন নূতন বিধান করা হইয়াছে। ইং ১৯২৮ সনে প্রজাস্বত্ব আইনের যে ব্যাপক সংশোধন হয় তাহাতে জমি ক্রয়-বিক্রয়ের নজর সেলামী শতকরা ২৫৲ টাকা হারে ধার্য্য হওয়ায় কৃষক-প্রজার উপর একটী আর্থিক ভার চাপাইয়া দেওয়া হয় এবং জমিদারকে অগ্রক্রয় বা Pre-emptionএর অধিকার প্রদত্ত হওয়ায় জোত ভূমিতে কৃষকের স্বত্বসামিত্বের অধিকার ক্ষুণ্ণ করা হয়। ইং ১৯২৮ সালে প্রজাস্বত্ব আইন সংশোধন হওয়ার পর হইতেই কৃষক-প্রজা বুঝিতে পারে যে, সঙ্ঘবদ্ধ ও বৈধ আন্দোলন ব্যতীত তাহাদের ন্যায্য অধিকার লাভ করিবার আর কোন পন্থা নাই। ফলে বাংলায় কৃষক-প্রজা-আন্দোলন গড়িয়া উঠে। বঙ্গীয় কৃষক-প্রজা সমিতি গঠিত হইয়া কৃষক-প্রজাদিগকে সঙ্ঘবদ্ধ করিয়া আন্দোলনকে সুনির্দ্দিষ্ট পথে পরিচালিত করিতে আরম্ভ করে। ইং ১৯৩৭ সনে মন্ত্রিমণ্ডলী যেভাবে প্রথমে প্রজাস্বত্ব আইন সংশোধন বিল উপস্থিত করিয়াছিলেন তাহা পাশ হইলে কৃষক-প্রজার কোন প্রকৃত উপকার সাধিত

হইত না, বরং নজর সেলামীর বোঝা পুনরায় কৃষক-প্রজার উপর চাপিয়া বসিত এবং অন্যান্য দিক দিয়াও তাহাদিগকে ক্ষতিগ্রস্ত হইতে হইত। এই জন্যই কৃষক-প্রজা পার্টি মন্ত্রি-সভাকে সমর্থন করিতে পারে নাই। একমাত্র কৃষক-প্রজা দলের বিরোধিতা ও চাপের ফলেই সংশোধিত প্রজাস্বত্ব আইনে কৃষক-প্রজাকে কিঞ্চিৎ সুবিধা প্রদান করা হইয়াছে। কৃষক-প্রজা পার্টি যদি বিরোধিতা না করিয়া মন্ত্রিসভাকে সমর্থন করিতেন, তাহা হইলে এই সামান্য সুবিধাও বাংলার কৃষক-প্রজাগণ পাইতেন না। মন্ত্রিসভা যদি কৃষক-প্রজার দাবী অনুযায়ী প্রজাস্বত্ব আইনের সংশোধনের জন্য কোন বিল আনয়ন করেন, তবে কৃষক-প্রজা পার্টি নিশ্চয়ই তাহা সমর্থন করিবেন।

বাংলার কৃষক-প্রজার কি দাবী তাহা নূতন করিয়া আলোচনা করা নিষ্প্রয়োজন। তথাপি সংক্ষেপে আমি তাহা উল্লেখ করিতেছি—(১) জমিদারীপ্রথা উচ্ছেদ করিয়া ভূমিতে কৃষক-প্রজাকে স্থায়ী অধিকার প্রদান করা, (২) ভূমিরাজস্বপ্রথা রহিত করিয়া আয়করপ্রথা প্রবর্তন করা ইত্যাদি। চিরস্থায়ী বন্দোবস্ত রহিত না হওয়া পর্যন্ত তাহা কার্যে পরিণত করা যাইবে না। কিন্তু প্রজার খাজনা হ্রাস করা, খাজনা বৃদ্ধি রহিত করা, নিলামী সম্পত্তি ফেরৎ পাওয়া প্রভৃতি কৃষক-প্রজার হিতজনক কার্যের বিধান প্রজাস্বত্ব আইন সংশোধন দ্বারা করা যাইতে পারে। এই উদ্দেশ্য লইয়াই আমি কৃষক-প্রজা পার্টির পক্ষ হইতে বর্তমান প্রজাস্বত্ব আইন সংশোধন বিল উপস্থাপিত করিতেছি।

কৃষক-প্রজার খাজনা যদি একটী নির্দিষ্ট হারে কমাইয়া দেওয়া যায় এবং প্রজাস্বত্ব আইন হইতে খাজনা বৃদ্ধির ধারাগুলি তুলিয়া দেওয়া যায়, তাহা হইলে কৃষক-প্রজা কতক পরিমাণে অর্থনৈতিক সুবিধা লাভ করিতে পারে। জমিদারগণ প্রজার নিকট হইতে আদায়ী খাজনার দশ ভাগের নয় ভাগ গভর্ণমেণ্টকে রাজস্ব প্রদান করিবেন এবং অবশিষ্ট দশ ভাগের এক ভাগ নিজেদের জন্য রাখিবেন, এই বিধানে ইং ১৭৯৩ সালে চিরস্থায়ী বন্দোবস্ত প্রদান করা হইয়াছিল। কিন্তু জমিদারদের দেয় রাজস্ব চিরস্থায়ী হইলেও প্রজার খাজনা বৃদ্ধি করিবার পক্ষে কোন বাধা রহিল না। জমিদারগণ প্রজার খাজনা বৃদ্ধি করিতে লাগিলেন। তাহার ফল এই দাঁড়াইয়াছে যে, চিরস্থায়ী বন্দোবস্ত লাভ করিয়া বাংলার জমিদারগণ বৎসরে মাত্র প্রায় পৌনে তিন কোটি টাকা রাজস্ব দিয়া থাকেন। কিন্তু, প্রজার নিকট হইতে আদায় করিয়া থাকেন সরকারী হিসাব মতে প্রায় একুশ কোটি টাকা। প্রজার খাজনা বৃদ্ধি করিবার অধিকার জমিদারদের থাকার জন্যই প্রজার খাজনা বৃদ্ধি পাইয়া এই বিপুল আকার ধারণ করিয়াছে। কৃষক-প্রজার আর্থিক দুর্গতির ইহাই একটী প্রধান কারণ। ইহার উপর বাকী খাজনার সুদ, ক্ষতিপূরণ তো আছেই। জমি-জমা খারিজ করিতেও প্রজাকে অনেক অসুবিধা ভোগ করিতে হয়। অধিকন্তু তাহার খরচাও কম হয় না। সামান্য বাকী খাজনার জন্য বহু মূল্যবান জোত নায় বসতবাড়ী নিলাম হইয়া যায়। নিলাম রদের জন্য যে বিধান আছে তাহাতে দরিদ্র প্রজার পক্ষে নিলাম রদ করা অনেক সময়ই কঠিন হইয়া পড়ে। ফলে কৃষক-প্রজা ধীরে ধীরে ভূমিহীন হইয়া পড়িতেছে। কৃষক-প্রজার এই সকল অসুবিধা দূর করিবার জন্য যে প্রজাস্বত্ব

আইন সংশোধন বিল উপস্থিত করিয়াছি এবং তাহাতে প্রজার উপকারের জন্য যে ব্যবস্থা করা হইয়াছে, তৎসম্বন্ধে মাননীয় সদস্যগণের অবগতির জন্য এখানে কিছু আলোচনা করা প্রয়োজন।

বঙ্গীয় প্রজাস্বত্ব আইনের ২৭, ২৮, ২৯, ৩০, ৩১, ৩১ক, ৩১খ, ৩২, ৩৩, ৩৫, ৩৬ এবং ৩৭ ধারায় দখলীস্বত্ববিশিষ্ট প্রজার খাজনা বৃদ্ধি করিবার নানাপ্রকার বিধান আছে। জমিদারগণ প্রজার খাজনা যাহাতে বৃদ্ধি করিতে না পারেন তজ্জন্য প্রস্তাবিত প্রজাস্বত্ব আইন সংশোধন বিলে বঙ্গীয় প্রজাস্বত্ব আইন হইতে ঐ ধারাগুলি উঠাইয়া দেওয়ার প্রস্তাব করা হইয়াছে। ঐ ধারাগুলি উঠাইয়া দিলে জমিদারগণ কোন অবস্থাতেই দখলীস্বত্ব-বিশিষ্ট রায়তের খাজনা বৃদ্ধি করিতে পারিবে না। প্রজার খাজনা যেরূপ অসম্ভব রকম বৃদ্ধি পাইয়াছে তাহাতে খাজনার পরিমাণ আরও অনেক কম হওয়া প্রয়োজন। এই জন্য প্রজাস্বত্ব আইন সংশোধন বিলের তৃতীয় ধারায় প্রস্তাব করা হইয়াছে যে, ইং ১৯০০ সনের ৩১শে ডিসেম্বর তারিখে প্রজার খাজনা যাহা ছিল তাহা হইতে শতকরা ৫০৲ টাকা বাদে যাহা হইবে তাহাই প্রজার খাজনা বলিয়া গণ্য হইবে। জমিদার ইহার অতিরিক্ত খাজনা আদায় করিতে পারিবেন না। প্রস্তাবিত প্রজাস্বত্ব আইন সংশোধন আইন বলবৎ হওয়ার তারিখে যে খাজনা বাকী থাকিবে তাহাও উপরোক্ত হারে আদায় করিতে হইবে। এই আইন বলবৎ হওয়ার তারিখে কিম্বা তাহার পরেও যে সকল বাকী খাজনার মোকদ্দমা আদালতে দায়ের থাকিবে তাহাতেও পূর্ব্বোক্ত হারে খাজনা ডিক্রী হইবে। এই আইন বলবৎ হওয়ার সময় যে সকল বাকী খাজনার ডিক্রীজারী দায়ের থাকিবে তাহাতেও প্রজার খাজনা পূর্ব্বোক্ত হারে কমাইয়া ডিক্রীজারী করিতে হইবে।

ইং ১৯০০ সনের ৩১শে ডিসেম্বরের পর যে জোত পত্তন করা হইয়াছে তাহার খাজনা কমিয়া জোত পত্তনের সময় যে খাজনা ছিল তাহা হইতে শতকরা ৩৩৲ টাকা বাদে যাহা হইবে তাহাই প্রজার খাজনা ধার্য্য হইবে।

প্রজাস্বত্ব আইনের ৬৭ ধারায় বিধান রহিয়াছে যে বকেয়া খাজনার উপর জমিদার শতকরা বার্ষিক ৬।০ টাকা চার আনা হারে সুদ পাইবেন। প্রস্তাবিত বিলের ৪র্থ ধারায় ৬৭ ধারা সংশোধন করিয়া সুদের হার শতকরা বার্ষিক ৩।০ করার প্রস্তাব করা হইয়াছে।

প্রজাস্বত্ব আইনের ৬৮ ধারার (১) উপধারায় আদালতকে বাকী খাজনার মোকদ্দমায় প্রজার বিরুদ্ধে জমিদারকে ক্ষতিপূরণ ডিক্রী দেওয়ার অধিকার দেওয়া হইয়াছে। প্রস্তাবিত বিলে উক্ত ৬৮ ধারায় (১) উপধারা উঠাইয়া দেওয়ার প্রস্তাব করা হইয়াছে, উহা উঠিয়া গেলে জমিদার ক্ষতিপূরণ বাবদ কোন ডিক্রী পাইবেন না।

প্রজাস্বত্ব আইনের ৮৮ ধারায় জমি ও জমা খারিজের যে বিধান আছে তাহা অত্যন্ত কঠিন ও ব্যয় সাপেক্ষ। প্রস্তাবিত বিলের ৬ষ্ঠ ধারায় জমি ও জমা খারিজের বিধান সহজ করা হইয়াছে এবং জমি ও জমা খারিজের ফি: মাত্র ১৲ টাকা ধার্য্য করা হইয়াছে। এই বিল আইনে পরিণত হইলে জমি জমা খারিজের নোটিশ ইউনিয়ন বোর্ড বা ইউনিয়ন কমিটির যোগে জমিদার এবং শরিক প্রজাগণের উপর জারী হইলেই জমি ও জমা খারিজ হইয়াছে বলিয়া গণ্য হইবে।

দান বিক্রয় বা স্বেচ্ছা দ্বারা জমি হস্তান্তরিত হইলে দলিল রেজিষ্টারী হওয়ার পরই সব্‌রেজিষ্ট্রার যোগে জমিদার ও শরিক প্রজাদিগকে নোটিশ দিতে হইবে। এবং ঐ নোটিশ জারী হইলেই জমি ও জমা খারিজ হইয়াছে বলিয়া গণ্য হইবে। ডিক্রী বাবদ কিম্বা সার্টিফিকেট মূলে জমি নিলাম হইলে, নিলাম বহাল হওয়ার পরই আদালত বা সার্টিফিকেট অফিসার যোগে ঐরূপ নোটিশ দিতে হইবে এবং নোটিশ জারী হইলেই জমি ও জমা খারিজ হইয়াছে বলিয়া গণ্য হইবে। জমিদার এবং শরিক প্রজা নোটিশ জারীর তারিখের ৩০ দিনের মধ্যে নোটিশে জমি বা জমার পরিমাণ ভুল লিখা হইয়াছে এই কারণ দর্শাইয়া আদালতে আপত্তি দাখিল করিতে পারিবেন। যদি নোটিশ জারীর ৩০ দিনের মধ্যে কোন আপত্তি আদালতে দাখিল করা না হয় তাহা হইলে জমি ও জমা খারিজ হইয়াছে বলিয়া গণ্য হইবে এবং উহা জমিদার ও শরিক প্রজাগণের উপর বাধ্যকর হইবে।

শরিক মালিকের সংখ্যা বেশী হইলে নোটিশ জারীর খরচ বেশী পড়ে। এইজন্য বিলে প্রস্তাব করা হইয়াছে যে শরিক জমিদারের সংখ্যা ১০ জন কিম্বা ১০ জনের বেশী হইলে এই আইন বলবৎ হওয়ার ছয় মাসের মধ্যে তাঁহারা একজন কমন্ এজেণ্ট নিয়োগ করিতে বাধ্য থাকিবেন। এবং উক্ত কমন্ এজেণ্টের উপর নোটিশ জারী হইলেই সকল শরিক মালিকের উপর নোটিশ জারী হইয়াছে বলিয়া গণ্য হইবে। শরিক মালিকগণের সংখ্যা যদি ১০ কিম্বা তাহার বেশী হয় অথচ তাহারা যদি কমন্ এজেণ্ট নিয়োগ না করেন তাহা হইলে যে মুন্‌সেফী আদালত এবং সব্‌রেজিষ্টারী অফিসের এলাকায় উক্ত জোত জমি অবস্থিত সেই মুন্‌সেফী আদালতের নোটিশ বোর্ডে এক খণ্ড নোটিশ এবং উক্ত সব্‌রেজিষ্টারী অফিসের নোটিশ বোর্ডে এক খণ্ড নোটিশ এবং যে ইউনিয়ন বোর্ড বা ইউনিয়ন কমিটির এলাকায় জোত জমি অবস্থিত তাহার অফিশ গৃহের নোটিশ বোর্ডে একখানি নোটিশ ঝুলাইয়া জারী করিলেই সকল শরিক মালিকের উপর নোটিশ জারী হইল বলিয়া গণ্য হইবে।

প্রজার জোত বা তালুকের মূল্য বাকী খাজনার ডিক্রীর টাকা অপেক্ষা যত বেশীই হউক না কেন বর্ত্তমানে ডিক্রীর টাকার জন্য প্রজার সমস্ত জোত জমি, তালুক নীলাম হইয়া যায়। এমন কি প্রজার বসত বাড়ী পর্য্যন্ত বাদ যায় না। এই জন্য এই বিলের ৮ম ধারায় প্রস্তাব করা হইয়াছে যে প্রজার জোত বা তালুকের যে অংশ বিক্রয় করিলে ডিক্রীকৃত সমস্ত টাকা মায় আদালত ব্যয় জারী খরচ সহ আদায় হইতে পারে শুধু সেই অংশ টুকুই নিলাম বিক্রয় করিতে হইবে, তাহার অতিরিক্ত বিক্রয় করা হইবে না। নিলাম ইস্তাহার জারী দ্বারা বাকী খাজনার ডিক্রীর টাকা আদায়ের জন্য প্রজার বসত বাড়ী কিম্বা তৎসংলগ্ন ভূমি নিলাম করা যাইবে না, কিম্বা শরিককে সিভিল জেলে দেওয়া হইবে না। তবে যে জমির উপর প্রজার বসত বাড়ী তাহার বাকী খাজনার জন্য ঐ জমি নিলামে বিক্রয় করা হইবে।

প্রস্তাবিত প্রজাস্বত্ব আইন সংশোধন আইন বলবৎ হওয়ার পূর্ব্বে এবং ইং ১৯২৯ সনের ৩১শে ডিসেম্বরের পরে যে সকল তালুক বা জোত নিলাম হইয়াছে কিম্বা নিলাম হইয়া নিলাম বহাল হইয়া নিলামী সম্পত্তিতে খরিদ্দারকে দখল দেওয়া হইয়াছে এই আইন বলবৎ হওয়ার এক বৎসরের মধ্যে উক্ত নিলাম রদ ও রহিত করিবার জন্য দায়িক দরখাস্ত করিতে পারিবে। যদি নিলামী সম্পত্তিতে খরিদ্দার দখল না লইয়া থাকে তবে

দায়িক ডিক্রীর সমস্ত টাকা আদালত ব্যয় জারী খরচ সহ বারটি সমান বার্ষিক কিস্তিতে আদায় করিলে নিলাম রদ ও রহিত হইবে। নিলামী সম্পত্তিতে খরিদ্দার দখল লইয়া থাকিলে আদালত ব্যয় ও জারী খরচ সহ ডিক্রীর সমস্ত টাকা এবং নিলামের তারিখ হইতে টাকা দাখিলের তারিখ পর্য্যন্ত শতকরা বার্ষিক ৩৸০ আনা হারে সুদ আদালতে দাখিল করিলে, নিলাম রদ হইবে এবং দায়িক জমিতে দখল ফিরিয়া পাইবে।

নিলাম রদের বিধান বিলের ১০/১১ ধারা বাকী খাজনার বাবদ ডিক্রীর জন্য কিম্বা বাকী খাজনার জন্য সার্টিফিকেট জারী হইয়া তালুক বা জোত নিলাম হইলে দায়িক কিম্বা উক্ত নিলামের ফলে যাহার স্বার্থ হানি হইয়াছে এরূপ ব্যক্তি নিলামের তারিখ হইতে এক বৎসরের মধ্যে নিলাম রদের জন্য আদালতের ব্যয় জারী খরচ সহ, ডিক্রীর সমগ্র টাকা বারটি সমান বার্ষিক কিস্তিতে আদায় করিতে পারিবে। দরখাস্তকারী যদি সাকুল্য টাকা দাখিল করিতে না পারে তবে যে পরিমাণ টাকা দাখিল করিবে সেই পরিমাণ অনুযায়ী জমির নিলাম রদ হইবে। কিন্তু, দরখাস্তকারী যদি এক ক্রমে ছয় কিস্তি খেলাপ করে তাহা হইলে আর কোনও টাকা দাখিল করিতে পারিবে না। তবে আদালত লিখিত আদেশ মূলে তাহাকে টাকা দাখিলের অনুমতি দিতে পারিবেন। কিন্তু, কোন ক্রমেই প্রথম কিস্তির তারিখ হইতে বার বৎসর পরে কোন কিস্তির তারিখ ধার্য্য হইতে পারিবে না। তবে কিস্তি খেলাপের পূর্ব্বে কিম্বা পরে দরখাস্তকারী যে পরিমাণ টাকা দাখিল করিবে সেই পরিমাণ অনুযায়ী জমির নিলাম রদ ও রহিত হইবে।

প্রস্তাবিত প্রজাস্বত্ব আইন সংশোধন বিলে প্রজাস্বত্ব আইনের যে সকল ধারা সংশোধন করিবার এবং নূতন ধারা সংযোগ করিবার প্রস্তাব করা হইয়াছে তাহার সংক্ষিপ্ত বিবরণ প্রদত্ত হইল। বাংলার কৃষক-প্রজার যাহা দাবী এবং বঙ্গীয় কৃষক-প্রজা সমিতির পক্ষ হইতে আইন পরিষদে নির্ব্বাচিত সদস্যগণ যে দাবী গত তিন বৎসর ধরিয়া করিয়া আসিতেছেন তাহার কতক এই প্রস্তাবিত বিলে প্রস্তাব করা হইয়াছে। এই ভাবে যদি বঙ্গীয় প্রজাস্বত্ব আইন সংশোধন হয় তাহা হইলে কৃষক-প্রজা কতক পরিমাণে জমিদারের শোষণ হইতে রক্ষা পাইবে।

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move by way of amendment that the Bengal Tenancy (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

This Bill is too ambitious and some of its provisions are of a revolutionary character. For example, it seeks to provide *inter alia* that the rent of occupancy *raiyats* should be reduced by 50 per cent. There are several other provisions of a similar character and I submit that Government cannot agree to support a measure like this before it examines the recommendations of the Land Revenue Commission and comes to a decision on those recommendations. I therefore propose that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

The motion of the Hon'ble Mr. Tamizuddin Khan was then put and agreed to.

The Bengal Restoration of Landlords Auction Purchased Lands Bill, 1940.

Maulvi ABDUL HAKIM: Sir, I beg to move that the Bengal Restoration of Landlords Auction Purchased Lands Bill, 1940, be referred to a Select Committee consisting of:—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,

(2) Mr. G. Morgan, C.I.E.,

(3) Mr. Upendra Nath Edbar,

(4) Babu Kshetra Nath Singha,

(5) Mr. M. Shamsuddin Ahmed,

(6) Khan Bahadur Hashem Ali Khan,

(7) Maulvi Shah Abdul Hamid,

(8) Maulvi Rajibuddin Taraftdar,

(9) Maulvi Idris Ahmed Mia,

(10) Maulvi Muhammad Israil,

(11) Maulvi Ahmed Hossain,

(12) Maulvi Abdur Razzak, and

(13) the mover,

with instructions to submit their report by the 31st May, 1941, the number of members forming the quorum being five

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Sir, I do not like to adduce any reasons in support of the motion that I have moved.

Mr. SPEAKER: Are you going to accept the amendment?

Maulvi ABDUL HAKIM: Yes, Sir, I accept the amendment

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941, was then put and agreed to.

The Bengal Village Self-Government (Amendment) Bill, 1940.

Maulvi ABDUL HAKIM: Sir, I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1940, be taken into consideration.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move, by way of amendment, that the Bengal Village Self-Government (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

The motion of the Hon'ble Mr Tamizuddin Khan was then put and agreed to.

The Bengal Medical (Amendment) Bill, 1940.

Dr. SANAULLAH: Sir, I beg to move that the Bengal Medical (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca,
(2) Dr. Mafizuddin Ahmed,
(3) Mr. Syed Abdul Majid,
(4) Khan Bahadur Dr Syed Muhammad Siddique,
(5) Khan Bahadur Maulvi Fazlul Qadir,
(6) Mrs Nellie Sen Gupta,
(7) Mr Anukul Chandra Das,
(8) Mr Jatindra Nath Basu,
(9) Mr. Pulin Behari Mullick,
(10) Dr Nalinaksha Sanyal,
(11) Maulvi Abu Hossain Sarker,
(12) Mr. G. Morgan, C.I.E., and
(13) the mover,

with instructions to submit their report by the 1st July, 1941, the number of members forming the quorum being five.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move, by way of amendment, that the Bengal Medical (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

The motion of the Hon'ble Mr. Tamizuddin Khan was then put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1940.

Mr. CHARU CHANDRA ROY: Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1940, be referred to a Select Committee consisting of:—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,

(2) Rai Jogesh Chandra Sen Bahadur,

(3) Maharaja Sashikanta Acharya Chaudhuri of Muktagacha, Mymensingh,

(4) Rai Harendra Nath Chaudhuri,

(5) Mr. Surendranath Biswas,

(6) Mr. Satyapriya Banerjee,

(7) Mr. Nishitha Nath Kundu,

(8) Mr. Iswarchandra Mal,

(9) Mr. Prem Hari Barma,

(10) Mr. Abdul Hakeem (Khulna),

(11) Maulvi Idris Ahmed Mia,

(12) Maulvi Abdul Wahed,

(13) Mr. Syed Hashan Ali Chowdhury,

(14) Mr. Monmohan Das,

(15) Mr. Abdul Hamid Shah,

(16) Mr. Rasik Lal Biswas, and

(17) the mover,

with instructions to submit their report by the 31st July, 1941, the number of members forming the quorum being five.

আমার Motion হোল Bengal Tenancy Actএর ১৮৩ ধারার Amendment. এই জনপ্রিয় গভর্ণমেণ্টকে গত চার বৎসর যাবৎ চাশিনা সত্ব সম্বন্ধে একটি আইন করবার জন্য বহু অনুরোধ করা হোয়েছে, কিন্তু দুঃখের বিষয় তাঁরা এ সম্বন্ধে কিছু করেন নাই। অনেক সময় তাঁরা Transfer of Property Actএর দোহাই দিয়েছেন। কিন্তু আমি যে ভাবে Amendment এনেছি তাতে প্রজাসত্ব আইনের ভেতর চাশিনা সত্ব পড়ে যায়। Bill circulate করাই এখন order of the day হোয়ে দাঁড়িয়েছে। গভর্ণমেণ্টের উচিত ছিল এত দিনের মধ্যে non-agricultural tenantsদের সত্ব প্রতিষ্ঠিত করবার জন্য একটি Bill আনা। অবশ্য গভর্ণমেণ্ট আব্দুল হাকিম সাহেবকে assurance দিয়েছেন যে তাঁরা এ সম্বন্ধে একটি Bill আগামি Sessionএ আনবেন। কিন্তু তখন কি হবে না হবে তা জানিনা। আমি মন্ত্রী মহোদয়কে স্মরণ করিয়ে দিতে চাই আমার এই Bill circulationএর জন্য পাঠালে সেটা সুষ্ঠিকর হবে এবং

তাঁদের জনপ্রিয়তার লাঘব ঘটবে। সুতরাং আশা করি মন্ত্রী মহোদয় নিজের ব্যক্তি স্বাধীনতা খাটিয়ে একবার ভেবে দেখবেন চান্দিনা প্রজাদের স্বত্ব থাকা উচিত কিনা এবং আমার এই Bill গৃহীত হোলে জনসাধারণ সেই সব পায় কিনা।

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move, by way of amendment, that the Bengal Tenancy (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

My friend has, after all, suggested a short cut to attain the object of giving tenancy rights to Chandina tenants; and he wants to attain that object by simply amending the Bengal Tenancy Act.

Mr. SPEAKER: I find, Mr. Khan, that in connection with Mr. Abdul Hakim's Bill the date you have suggested is 30th June. I think it would be better to put in the same date here also.

The Hon'ble Mr. TAMIZUDDIN KHAN: I have no objection, Sir, and I propose 30th June, 1941, instead of 31st December, 1941, as originally proposed.

Sir, I was going to suggest that no such short cut is possible. The Chandina Committee has already submitted its report and on the basis of that report Government propose to bring forward a Bill in the next session. Therefore, there is no other course open to Government but to send this Bill out to circulation.

Mr. CHARU CHANDRA ROY: May I take it, Sir, that Government is giving a definite assurance that it will bring in a Bill in the July session?

Mr. SPEAKER: I have never heard of Government giving a definite assurance in any matter.

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Tenancy (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941, was then put and agreed to.

The Bengal Village Self-Government (Amendment) Bill, 1940.

Mr. MIRZA ABDUL HAFIZ: Sir, I beg to move for leave to introduce the Bengal Village Self-Government (Amendment) Bill, 1940.

(The First Assistant Secretary to the Assembly read the short title of the Bill.)

The Bengal Shops and Establishments (Amendment) Bill, 1941.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I beg leave to introduce the Bengal Shops and Establishments (Amendment) Bill, 1941.

(The First Assistant Secretary to the Assembly read the short title of the Bill.)

Sir, the Bengal Shops and Establishments Act which has recently been passed has given some benefits to the shop assistants and the enactment has therefore been well received all over the province.

Mr. SPEAKER: I think, Mr. Dutta Mazumdar, you are not moving motion No 35.

Mr. NIHARENDU DUTTA MAZUMDAR: No, Sir.

But, as was already pointed out, numerous exceptions were provided in the Bill by which shop assistants employed in various concerns were excluded from the list of those who were to get the benefits of this Bill My amending Bill is intended to remove some of these exceptions made in respect of such employees who can very well be given the benefits of the Act without any inconvenience to the public utility services or any other service which might justify temporarily these exceptions and exclusions. In particular, my amending Bill has been prompted by the grievances of the employees engaged in shops dealing with spare parts of motor vehicles and in their case no reason whatsoever has been found for denying them those benefits While giving notice of this Bill I have strictly confined myself to trying to remove some of these exceptions, but I do hope that in the course of discussion on the Bill it might be further improved upon, and an opportunity might be taken for making the Shops and Establishments Bill of real benefit to shop assistants of Bengal in every sense With that object in view I have given notice of this Bill which, I beg your leave to introduce Unfortunately, I was not able to circulate copies of the Bill earlier, and therefore I cannot move to-day that the Bill be taken into consideration

The Tarakeswar Temple Bill, 1940.

Mr. TARAK NATH MUKHERJEA: Sir, I beg to move for leave to introduce the Tarakeswar Temple Bill, 1940.

(The First Assistant Secretary to the Assembly read the short title of the Bill.)

Sir, I beg further to move, instead of referring the Bill to a Select Committee, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st of August, 1941.

Mr. SURENDRA NATH BISWAS: *Sir, I stand to oppose the Bill* on principle, because I do not want the management of a temple to be controlled by the Government. I have got three other grounds also. Firstly, it is a defective Bill. If you refer to clause 39, you will find that it provides that the Government may make rules to alter, add to or cancel any of the schedules to this Act, but nowhere in the Bill do we find the schedules. So, the Bill is in itself a defective one. Secondly, Sir, I wish to draw the attention of the members of this House to the fact that this Tarakeswar temple is being managed by a Committee, which, according to the author of the Bill, was constituted under a scheme framed by the District Judge of Hooghly in connection with suit No. 28 of 1922, and subsequently modified and approved by the High Court of Calcutta and by the Judicial Committee of the Privy Council of His Majesty the King-Emperor. When that Committee is functioning with regard to the entire management of the temple, I do not find any reason why a Bill of this nature should be proposed to be passed into law to enable the Government to interfere with the administration of that temple.

Thirdly, Sir, I find from the Bill that the Government is being empowered "to make rules to carry out all or any of the purposes of this Act and in particular, and without prejudice to the generality of the foregoing provisions Government is being given power to make rules with reference to the following matters, namely :—

All matters expressly required or allowed by this Act to be prescribed

The qualifications and registration of electors.

The nominations of candidates, the times of election, the mode of recording and counting votes and the declaration and publication of the results of elections

The conduct of inquiries and the decision of disputes relating to elections

The budgets, reports, accounts, returns or other information to be submitted by the Mohunt.

I submit, Sir, that this religious institution is being managed by a duly constituted committee and that committee is functioning to the satisfaction of all persons interested in the temple. That being so, I do not find any reason why Government should be invited to make rules to interfere in the management of this religious institution. Up to this time, Sir, in the course of these four years, no other member belonging to any group has introduced any Bill asking the Government to interfere in the administration of any religious institution. I hope that having regard to this fact and having regard to the feelings of the Hindus that their religious institutions should not be allowed to

be interfered with by the Government, the mover of this motion for circulating the Bill to elicit public opinion should withdraw his motion and should allow this Bill to be dropped.

Mr. TARAK NATH MUKERJEA: Sir, without entering into minute details regarding the provisions of the Bill and the observations made by my esteemed friend Mr. Biswas, at this stage I would only like to state that if there are defects in the Bill they can be rectified and modified——

Mr. SPEAKER: Mr. Mukerjea, do you want to withdraw your motion?

Mr. TARAK NATH MUKERJEA: No, Sir, I do not want to withdraw

Mr. SPEAKER: Then you need not speak There are other speakers who would like to speak

Mr. ATUL CHANDRA KUMAR: Sir, I oppose this Bill on principle and support what has been said by my esteemed and learned friend Mr Surendra Nath Biswas

Sir this Bill should be opposed on principle by all Hindus (Maulvi Abu Hossain Sarkar: Why Hindus alone?) and also I think by Muhammedans, because if this Bill be passed into law, I am sure there will be another Bill forthcoming for the control of *wakf* estates by Government

Mr. TARAK NATH MUKHERJEA: It is only for circulation.

Mr. ATUL CHANDRA KUMAR: If we in this House of Legislature allow this Bill to be circulated without opposing the Bill on principle, the people at large and the public outside may misunderstand They may not be in the know of the whole Bill as it is. The Bill is also, I submit, Sir, defective. I want to say one thing, namely, that when Deshbandhu Das opposed the mismanagement in Tarakeswar there was a strong opposition from the Brahmin Sabha and others and after that the civil court has framed a scheme and the scheme is the formation of a committee of which Mr. Tarak Nath Mukherjea is a member and Mr Ramaprasad Mookerjee is also a member This committee frame the annual budget The *Mohanto* gets only Rs 250 per month for his personal expenses, out of which he has to pay Rs. 60 to his Private Secretary Besides he has to pay for his cooking arrangement and everything else from out of his own pocket.

Now, Sir, as I have said there is a committee and this committee of management frame the budget. Still my honourable friend Mr Mukherjea has thought fit to bring this Bill and has been favoured by the Ministerial party with their support for the Bill. I think that the Ministry are very keen to have this Bill circulated. I know that many important Bills relating to tenancy question and reduction of rent have been opposed by this Government, but this Government want to have control of the estate of Tarkeswar, whose annual income is Rs. 3½ lakhs. There are many *debuttar* properties throughout Bengal and if once we allow this Bill to be passed by this House there will be many *debuttar* properties in Bengal which will come within the purview of such Bills. The result will be that Government may come with a Bill like this and want to have control of these estates in Bengal. But, Sir, we do not want to give any power to the Ministry in this respect. We do not like that Government should interfere in religious institutions. At the same time, I want to make it clear to my friends that if this *Mohanto* is proved to be a bad man or not to be a good and suitable man, he may be removed An attempt may be made to remove him and we will be the first persons to offer *satyagraha* if necessary for that purpose He may be removed by the committee, and the District Judge may be moved for this purpose There is provision for that in the scheme I may read out the scheme if you like. Still, Sir, a Bill like this has been brought before us in this House and the interference of Government has been sought in this way. As has been pointed out by my friend Mr Biswas, I would describe the Bill as a mischievous one, and I did not expect that such a Bill would be forthcoming from a responsible Brahmin member like my esteemed friend Mr. Mukherjea who is a member of the committee It is a pity, Sir, that he being a member of that committee has thought fit to bring a Bill like this

We know, Sir, that the present *Mohanto* is a very learned gentleman and he did not seek for the post. Advertisement was made throughout India and there were several petitions for the post, but this gentleman was not an applicant The District Judge along with the late Pandit Mohamohopadhay Panchanan Tarkaratna selected this gentleman

Sir, I had been to the place on the occasion of the last *Sivaratri* festival and I enquired of the people and I was a little surprised to find that this Tarakeswar was not the Tarakeswar of the days of Deshbandhu Das. I think there has been a great change in Tarakeswar. Everything is running very satisfactorily there. I know many details. Yet, Sir, my friend has thought fit to bring this Bill. One medical officer who is new in the employ of the Tarkeswar estate was going to be removed by the committee. But I need not go into these

matters; things will come out at the subsequent stages. There are several letters of which I would like to read one or two in which there was encouragement for non-payment of rent.

Mr. SPEAKER: That will do. You need not read the letters.

Mr. ATUL CHANDRA KUMAR: All right, Sir. I will only give the substance of those letters. Tenants are not paying rent as they have been given to understand that a Bill has been brought by Tarak Babu of Uttarpara and much relief will be given to them and therefore they need not pay any rent. That is the purport of those letters. Now, Sir, as I have already said there is a committee of management and everything is going on smoothly and satisfactorily at Tarkeswar. I do not think that Government should interfere in the religious affairs of the Hindus. If this Bill is passed, I am sure other Bills will be forthcoming. We oppose this Bill on principle and we warn our Muhammadan friends also who may be misguided to-day that if they allowed Government to interfere in the management of religious institutions of the Hindus, a day will come when their religious institutions will also be similarly interfered with.

Khan Bahadur MOHAMMED ALI: We won't be misguided.

Mr. ATUL CHANDRA KUMAR: All right, then I have got nothing further to say.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We thought that the Bill should be circulated for eliciting opinion thereon, but we find that very serious objection has been raised from a section of the House representing a considerable opinion of the people in this House. In that view of the matter, the Government's intention is not to take part at this stage in the decision of this matter. They are prepared to leave the issue to the decision of the House.

The motion of Mr. Tarak Nath Mukherjea that the Tarakeswar Temple Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st August, 1941, was then put and lost.

The State Provision Bill for Maternity and Child Welfare Clinics, 1941.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move for leave to introduce the State Provision Bill for Maternity and Child Welfare Clinics, 1941.

(Secretary then read the short title of the Bill.)

Sir, I also beg to move that the State Provision Bill for Maternity and Child Welfare Clinics, 1941, be circulated for the purpose of eliciting opinion thereon by the 30th June 1941.

The motion was then put and agreed to.

The Bengal Jute Regulation (Amendment) Bill, 1941.

Maulvi AZHAR ALI: Sir, I beg to move for leave to introduce the Bengal Jute Regulation (Amendment) Bill, 1941.

(Secretary then read the short title of the Bill.)

The Employment of Bengalees Bill, 1941.

Mr. RASIK LAL BISWAS: Sir, I beg to move for leave to introduce the Employment of Bengalees Bill, 1941.

(Secretary then read the short title of the Bill.)

Sir, I also beg to move that the Employment of Bengalees Bill, 1941, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

The motion was then put and agreed to.

The Bengal Landholders Employees Bill, 1941.

Mr. ANUKUL CHANDRA DAS: Sir, I beg to move for leave to introduce the Bengal Landholders Employees Bill, 1941.

(Secretary then read the short title of the Bill.)

Sir, I also beg to move that the Bengal Landholders Employees Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

The motion was then put and agreed to.

The Bengal Rent Reduction Bill, 1941.

Mr. AMRITA LAL MANDAL: Sir, I beg to move for leave to introduce the Bengal Rent Reduction Bill, 1941.

(Secretary then read the short title of the Bill.)

The Calcutta Tenancy Bill, 1941.

Mr. ATUL CHANDRA GHOSE: Sir, I beg to move for leave to introduce the Calcutta Tenancy Bill, 1941.

(Secretary then read the short title of the Bill.)

Sir, I also beg to move that the Calcutta Tenancy Bill, 1941, be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1941.

The motion was then put and agreed to.

Mr. SPEAKER: That finishes the agenda.

Adjournment.

The House was adjourned at 7-40 p.m. till 4-45 p.m. on Monday, the 7th April, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 7th April, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble SIR MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 7 Hon'ble Ministers and 195 members.

STARRED QUESTIONS

(to which oral answers were given)

Issue of transfer certificates of some students of the Presidency College, Calcutta.

*214. **Mr. ATUL KRISHNA GHOSE:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Principal of the Presidency College has requested some of the guardians of some of the students to take transfer certificates of their boys?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) The students in question created trouble in connection with the election of office-bearers of the College Union. The practice in the college is for the Principal to nominate office-bearers on the recommendation of the members of the staff. These students wanted free election. The Principal apprehended indiscipline and advised the guardians of the students to remove them to some other college where they would get a better opportunity for self-expression.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the persons to be elected to the College Union were to be from amongst the students or not?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the students were voters for the purpose of this election or not?

Mr. SPEAKER: There is no mention of "election" anywhere in the question.

Mr. NIHARENDU DUTTA MAZUMDAR: It is the election of office-bearers of the College Union that is mentioned here. I asked whether students were to be elected as office-bearers. Now I am asking whether students are voters.

Mr. SPEAKER: Please see the next sentence

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the College Union has got any constitution of its own?

The Hon'ble Mr. A. K. FAZLUL HUQ: I suppose so.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether in the constitution there is a provision for the election of office-bearers by the Students' Union?

Mr. SPEAKER: That question does not arise. It is no use asking whether the constitution allows an election to be held.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state, with reference to his answer that the practice in the college is for the Principal to nominate office-bearers on the recommendation of the members of the staff, whether the students wanted an alteration of this practice and the adoption of a new practice for the purpose of election of office-bearers?

Mr. SPEAKER: That question has been answered.

Mr. NIHARENDU DUTTA MAZUMDAR: In view of that, will the Hon'ble Minister be pleased to state why were the students shut out from expressing free opinion in the matter and penalised for that?

Mr. SPEAKER: That has also been answered.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the practice as referred to in answer (*b*) is supported by the constitution of the College Union?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am sorry I cannot answer that question because I have not got the papers with me.

Attached hostels for Government-aided girls' high English schools.

***215. Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether Government ordered all the Government-aided girls' high English schools at Calcutta to open attached hostels;

(*ii*) whether girl students of Government-aided schools have been forbidden to live in any other recognised hostel or in any unauthorised hostel;

(*iii*) whether all the Government-aided girls' high English schools have got attached hostels; and

(*iv*) the steps taken by Government so long for compelling the aided schools for opening attached hostels?

(*b*) If the answer to (*a*) (*iii*) is in the negative, will the Hon'ble Minister be pleased to state the names of Government-aided schools that have no attached hostels?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) No.

(*ii*) The Inspectress of Schools, Presidency and Burdwan Divisions, issued a circular directing girl students reading in aided schools to reside either with their parents and *bona fide* guardians or in attached hostels.

(*iii*) No.

(*iv*) Hostels are being started attached to girls' schools where found necessary.

(*b*) A list of aided high English schools for girls which have no hostels attached to them is laid on the table.

Statement referred to in the reply to clause (b) of starred question No. 215.

CALCUTTA.

(1) City Girls' High School.

(2) Peary Charan Girls' High School.

(3) Lake School for Girls.

(4) Binapani Girls' High School.

(5) Kamala Girls' High School.

(6) Ballygunge Girls' High School.

(7) Bharat Stri-Siksha Sadan.

(8) Jeevà Shiva K. G. Girls' School.

(9) Surah Kanya Bidyalaya.

(10) Chetla Girls' School.

(11) Shambazar Balika Bidyalaya.

(12) Sir R. C. Mitter Girls' School.

Recruitment in Jute Regulation Department in Mymensingh district.

***216. Mr. AMRITA LAL MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing subdivision by subdivision of Mymensingh district the name of the Scheduled Castes –

(1) Inspectors

(2) Assistant Inspectors, and

(3) Licensing Officers,

recruited in the year 1940-41 in the Jute Regulation Department?

(*b*) Will the Hon'ble Minister be pleased to state whether the service ratio was observed in making the appointments?

(*c*) Is it a fact that some non-Scheduled Caste candidates got their appointment in the Jute Regulation Department as Scheduled Caste candidates?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

MINISTER in charge of the ACRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) A statement is laid on the Library table

(*b*) Communal ratio could not be maintained in making appointments of Inspectors and Assistant Inspectors from the district of Mymensingh, as from some other districts, for the reason that no suitable candidates from the Scheduled Castes could be had It may however be mentioned that communal ratios have been maintained on the total appointments in the Province as a whole.

(*c*) and (*d*) In the course of his inspection the Assistant Controller, Dacca, found that two Brahmins, who work as priests of Scheduled Castes, got themselves appointed by describing themselves as belonging to the Scheduled Castes. They were discharged forthwith

Maulvi MUHAMMAD ISRAIL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether the communal ratio fixed for the Muslims has been observed in this case?

Mr. SPEAKER: That question does not arise.

Maulvi MUHAMMAD ISRAIL: I submit, Sir, this question relates to the observance of communal ratio in the recruitments made in the Jute Regulation Department in Mymensingh district and so, I think, I am in order

Mr. SEPEAKER: I am afraid, it only refers to the communal ratio of Scheduled Castes

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি, বর্ত্তমানে Inspectors, ও Assistant Inspectors recruitment এর বেলায় Scheduled Castesএর number service ratio অনুসারে ঠিক আছে কি না?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, in the entire province the proportion is all right.

Scheme for adult education in rural areas.

***217. Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Rural Reconstruction—Adult Education) Department be pleased to state—

(*i*) the amount that has been budgeted for the year 1941-42 for the rural adult education; and

(*ii*) whether any scheme has been formulated to spend the money for the purpose?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state what are those schemes?

(*c*) Will the Hon'ble Minister be pleased to state whether the money budgeted for the year 1940-41 for adult education was spent?

(*d*) If not, will the Hon'ble Minister be pleased to state the reason thereof?

(*e*) Will the Hon'ble Minister be pleased to state what steps he proposes taking for spending the money budgeted for the year 1941-42?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) (*i*) Rs.92,000.

(*ii*) A scheme is in preparation Its details have not yet been settled.

(*b*) Does not arise.

(*c*) Rs.1,500 only was spent during the year.

(*d*) The reason for the non-utilisation of the balance of the provision was that the details of the scheme could not be settled within the year.

(*e*) It is expected that a decision about the details of the scheme for adult education will be made early in the year 1941-42 so as to enable the provision made in the budget for that year to be fully utilised

Mr. ABDULLA-AL MAHMOOD: With reference to answer (*c*), will the Hon'ble Minister be pleased to state how this amount in question was spent?

The Hon'ble Mr. TAMIZUDDIN KHAN: Rs. 500 was granted to the Calcutta University Institute and Rs. 1,000 to the Anti-Thumb Impression organisation of the District Board of Bogra.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state what was the total amount budgeted for the year 1940-41 for adult education?

The Hon'ble Mr. TAMIZUDDIN KHAN: Altogether Rs. 13,000 was provided in the budget. Save and except 1,500 rupees that was spent during the year, the rest was surrendered.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether it is a fact that no scheme was prepared last year?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, no scheme was sanctioned last year.

Interview with prisoner Lokenath Bal.

***218. Mr. SASANKA SEKHAR SANLAL:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state——

(*a*) whether Lokenath Bal is a prisoner in the Alipore Central Jail;

(*b*) when he got his last interview;

(*c*) how many applications for interview with the said prisoner have been received by Government since his last interview; and

(*d*) how these applications referred to in (*c*) above, have been dealt with?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) to (*d*) I have no information but if the honourable member will give notice I will make enquiries.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. The reply of the Hon'ble Minister to (*a*) is, "Yes," and to (*b*) to (*d*) is, "I have no information, but if the honourable member will give notice I will make enquiries." I hope you will rule that the answer is not in order.

Mr. SPEAKER: As soon as you sent in the question, that in itself constituted a notice.

Mr. SASANKA SEKHAR SANYAL: With regard to (*b*) I have asked, when did he get his last interview—the notice is there; in question (*c*) I have asked, how many applications for interview with the said prisoner have been received by Goverment since his last interview—the notice is there; and in question (*d*) I have asked, how these applications referred to in (*c*) above have been dealt with—the notice is there

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not received complete information. I am only asking for time to collect complete information on the point.

Mr. SASANKA SEKHAR SANYAL: In that case, Sir, the question may stand over

Mr. SPEAKER: But the question has been answered However, it will be renewed as soon as it is ready.

Medical treatment of prisoner Sitanath Dey.

*219. **Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether Sitanath Dey, a prisoner in the Alipore Central Jail, has been ailing for some time?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) what is the nature of his ailment; and

(ii) what steps have been taken for the treatment of his ailment?

(*c*) Have the Government considered the question of removing the said prisoner to the Medical College for treatment?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) (*i*) He suffers from occasional vertigo. He is now well.

(*ii*) He is given appropriate treatment in the jail hospital when an attack occurs.

(*c*) No.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state the reasons for answering (*c*) in the negative?

The Hon'ble Mr. A. K. FAZLUL HUQ: Because, Sir, the medical advisers advised that there is no immediate question of any apprehension and therefore, they did not advise removing the prisoner to the Medical College for treatment.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he is prepared to consider making a reference in question (*c*) to the Jail Doctor and having a written opinion?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir, I will do that.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Use by Government of road materials produced in Bengal.

90. Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether preference is given by the Communications and Works Department to the products of Bengal in the purchase or selection of road and other materials used in connection with roads and buildings within the Province;

(*b*) whether Government are aware that considerable amount of road tar is manufactured in Bengal by certain reputed firms and that this tar has been found eminently suitable by the Government Test House and Indian Stores Department; and

(*c*) whether Government are considering the desirability of giving special encouragement to the manufacture of road tar in Bengal if the price of this material is found comparatively cheaper than imported material used for similar purposes?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Whenever possible in the interest of the work and other things being equal in all respects as to quality and price, preference will be given to the products of Bengal.

(*b*) Yes. But Government have no information that this tar has been found eminently suitable by the Government Test House and the Indian Stores Department.

(*c*) This matter will be considered by Government.

Repair of primary school buildings by District School Boards.

92. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that the District School Board, Chittagong, used to meet the expense for the annual repair and building of the Board Schools all over the district even before the imposition of the education cess; and

(*ii*) that the Special Officer for Primary Education has recently issued an order curtailing the power of the District School Board in respect to the repairing cost of the Board Schools?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) The funds provided by the levy of education cess are insufficient and have to be supplemented by large donations from Government. It was therefore hoped that the local people would accept the burden of building expenses of schools. There have been numerous objections and I am reconsidering the whole position.

Bhairab Scheme.

93. Maulvi WALIUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*i*) what is the present stage of the Bhairab Scheme; and

(*ii*) when it is likely to be completed?

(*b*) Is the Hon'ble Minister considering the desirability of expediting the matter?

(*c*) Is the Hon'ble Minister aware that no experimental intensive anti-malaria work can be taken up without the said scheme?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) With the exception of some earthwork and a road bridge (under construction) all other works have already been completed. It is expected that the scheme will be put into operation in the ensuing rainy season.

(*b*) All possible steps to expedite the progress of the work have been taken.

(*c*) Yes.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state when was the work begun?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The work was taken up in the financial year 1938-39.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what were the difficulties in the way of Government carrying it through earlier?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The work is being carried on. It is practically complete. In the next year's budget there is a provision for only Rs. 8,000.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, I have obtained your consent——

Mr. SPEAKER: I have not yet declared questions being over.

STARRED QUESTIONS

(to which oral answers were given)

Rate of rent in Darjeeling and Kurseong.

***208. Mr. DAMBER SINGH GURUNG:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(i) the rate of rent per acre or per pole charged by the Government from the zamindari estates in the towns of Darjeeling and Kurseong; and

(ii) the rate of rent realised by the zamindars from the tenants?

(*b*) Is there any limit fixed by the Government in the rate of rent chargeable by the zamindars from the tenants?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state the rate of such limit?

(d) If the answer to (b) is in the negative, will the Hon'ble Minister be pleased to state whether the zamindars can increase the rate of rent?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) (i) The average rate of revenue paid to Government by the Cooch Behar State is Rs. 15 per acre. The Burdwan Raj estate holds lands free of rent with the exception of one revenue-paying estate at Kurseong measuring 6·07 acres for which Rs. 25 is paid annually by the Raj to Government

(ii) The rate of rent varies according to the classification of land and its situation.

(b) and (c) No limit is fixed.

(d) The zamindars can increase the rate of rent of their tenants according to their contract, unless there are any specific conditions in the lease to the contrary.

Distress due to failure of crops in some parts of Dinajpur district.

***213. Maulvi ABDUL JABBAR:** (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) that due to failure of crops, distress prevailing in union No. 12 of Nawabganj police-station in the district of Dinajpur, is very acute;

(ii) that many people are on starvation;

(iii) that several petitions were made to the local authorities for relief; and

(iv) that an enquiry was made by the local officer into the matter?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether any relief has yet been given to the people of the affected area?

(c) If not, what steps does the Hon'ble Minister contemplate taking for giving necessary and timely relief to the people.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) (i) No. Some distress is, however, apprehended due to the partial failure of *aman* crop.

(ii) No.

(iii) Only one petition was received asking for loans.

(iv) Detailed local enquiries were made about this union and all other unions in the district.

(*b*) and (*c*) Enquiries are being made to assess the needs of each cultivator and relief will be given where necessary according to circumstances.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Model village at Haduatola in Malda district.

82. Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) what was the total expenditure for constructing a model village at Haduatola in Manikchak police-station in the district of Malda;

(*b*) how many quarters were built there;

(*c*) how many are in existence now;

(*d*) who is responsible for the destruction of the quarters of that village;

(*e*) whether the land on which the village was constructed has now been converted into a mango garden; and

(*f*) what were the conditions of the lease?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Rs.14,374.

(*b*) 168.

(*c*) 18.

(*d*) Nobody except the tenants is responsible for the present state of things. The tenants left the place and allowed the huts to fall into ruins and they could not be induced to return.

(*e*) The open spaces are being converted into mango garden.

(*f*) *Salami* at Rs.3 per bigha for "Bastu" and at Rs.2 per bigha for "Udbastu" lands.

Rent at Rs.4 and Rs.2 respectively for "Bastu" and "Udbastu" lands.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if there was any grant from the Government out of this amount of Rs. 14,374?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, there was some contribution by Government.

Mr. ATUL CHANDRA KUMAR: What was that amount?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if it is a fact that Government granted Rs. 10,000.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Something like that.

Mr. ATUL CHANDRA KUMAR: For this purpose besides this amount?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, they did.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state within how many years these 150 huts have been demolished and destroyed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Gradually they are being demolished, as people are leaving the area. It is difficult to say in how many years, because it did not occur year by year.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the reason for deserting the place?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The reason is, there was no flood and people left this place and went back to their original place of residence.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state who is responsible for selecting this site?

Mr. SPEAKER: I think the best question would be as to who was responsible for the flood.

Mr. NISHITHA NATH KUNDU: Sir, Rs. 10,000 was spent by Government and somebody was responsible for that. The Hon'ble Minister should have taken into consideration all the facts before constructing the huts there. It is only a few years back that the huts were constructed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid my honourable friend is labouring under a misconception. This place was selected for reinstating the tenants whose homesteads were flooded

out, and they were provided land to settle there. Now that the original area is not inundated, they are going back to their original area leaving the new colony.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether the Government is aware that several tube-wells were sunk there at the cost of the Government and now they are going to be used for watering the mango garden of the zemindar?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Somebody must make use of them. These are lying derelict. Government cannot prevent their being used.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether, in view of the fact that the huts are destroyed, the tube-wells will be removed to the nearing villages?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that will be throwing good money after bad.

Failure of paddy crops in parts of Narail, Jessore.

83. Maulvi WALIUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that there has been a failure of paddy crops in some parts of Kalia, Lohagora and Alladanga police-stations in the sub-division of Narail, Jessore;

(*ii*) that there is a likelihood of distress prevailing in the areas; and

(*iii*) that steps are being taken for the realisation of agricultural loan from the people of the affected area?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, is the Hon'ble Minister considering the desirability of stopping the realisation of agricultural loan for this year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) There has been no serious failure of crops in the areas.

(*ii*) No.

(*iii*) Agricultural loans are being collected only from those who can pay without hardship.

Operation of Money-lenders Act, 1940.

86. Mr. ADWAITA KUMAR MAJI: Will the Hon'ble Minister in charge of the Judicial Department be pleased to lay on the table a statement showing, district by district,—

(*a*) the present number of licences granted to the money-lenders; and

(*b*) number of cases brought before the Court by the—

(1) money-lenders, and

(2) debtors,

after the operation of the Bengal Money-lender's Act, 1940?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) The information is not available at present.

(*b*) The collection of the required information would entail so much time and labour that Government regret they are not prepared to undertake the task.

Short-notice question.

Mr. J. W. R. STEVEN: May I have a reply to my short-notice question, Sir?

Mr. SPEAKER: Is it in connection with the Dacca riot?

Mr. J. W. R. STEVEN: Yes, Sir. May I have a reply to that?

Mr. SEAKER: I have sent it to the department.

Adjournment motion.

Rai HARENDRA NATH CHAUDHURI: Sir, I have given notice of an adjournment motion. May I have your leave to move it?

Mr. SPEAKER: I have given my consent. Now I will have to decide whether it is in order or not. Your statement is all right. You have nothing further to add?

Rai HARENDRA NATH CHAUDHURI: No, Sir.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, an adjournment motion on the Dacca situation is certainly very much different from an adjournment motion under ordinary circumstances. I would not, therefore, oppose a discussion, but I propose to make as full a statement as I can on the whole situation and also answer the short-notice question which has been tabled by Mr. Steven. If after I have made a statement, the House is of opinion that further information is necessary, I shall try to collect that information and I would ask you, Sir, to give a date when the whole situation might be discussed in the Assembly. But at present, with your leave and the leave of the House, I shall make a statement.

Mr. SANTOSH KUMAR BASU: May I point out to you, Sir, that it would be convenient to everybody concerned if the adjournment motion is formally admitted to-day, and if there is opposition, the counting of those who are in its favour may also be done to-day. If after that the Chief Minister thinks that it will be more convenient for him to make a statement and if after that an occasion arises for us to consider whether the adjournment motion should be persisted in or not, that would be a different matter.

Mr. SPEAKER: What I propose to do is this I feel that in a matter like this everyone in this House should be taken into confidence. Let the Prime Minister make the statement now on the basis of facts at his disposal. After that I propose to ask the Opposition whether in spite of that, they want the adjournment motion to be discussed. If they want it to be discussed, I propose to fix Wednesday, the 9th, for the discussion of this motion, so that in the meantime the Government may be ready with all the materials, and the Opposition may have an opportunity to consider as to whether they should press this motion or not and the materials——

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Our adjournment motion, you will see from the statement, is based on the official communiqué that has been published to-day.

Mr. SPEAKER: What I am saying is this. Let a statement be made by the Prime Minister. After that if you say that you want to proceed, then I shall consider the question of admissibility and allow the discussion——

Mr. SARAT CHANDRA BOSE: I would request you to consider whether that would not be irregular. Leave has been asked for to move this adjournment motion, and I submit, that the correct procedure would be to put it before the House to see if the requisite number of

members support the adjournment motion and then to admit it. After that the Chief Minister can make a statement and we shall then consider——

Mr. SPEAKER: I have no official statement before me.

Mr. SARAT CHANDRA BOSE: True. The question which you have to consider is whether the Chief Minister can make a statement at this stage. Leave having been asked of the House to move the adjournment motion, I say that that question has to be disposed of before any other statement is permissible.

Mr. SPEAKER: Before I dispose of the question of admissibility on the ground of certain facts, I must hear what is the statement of the Government.

Mr. SARAT CHANDRA BOSE: The Chief Minister is certainly entitled to make a submission on the question of admissibility. But that is not what he proposes to do. He proposes to make a statement on the whole situation and then, as it appears from the words which fell from him, he proposes to ask the House to consider whether they would press the adjournment motion.

Mr. SPEAKER: The question of admissibility must depend on facts. You have made a certain statement of facts. The Prime Minister also wants to make a certain statement of facts. On hearing that, I shall consider whether the motion is in order or not.

Mr. SARAT CHANDRA BOSE: Any statement of facts bearing strictly on the question of admissibility would no doubt be relevant, but a statement of the kind indicated by the Chief Minister would not be relevant.

May I also draw your attention to the fact that in the statement of facts reference is made to the official communiqué which has been published this morning and the basis of the adjournment motion is the utter failure of the Department of Law and Order to control the situation and ensure protection of life and property?

Mr. SASANKA SEKHAR SANYAL: That depends on the official communiqué as indicated in the statement of facts and not on the statement which the Hon'ble Chief Minister is going to make——

Mr. SPEAKER: In any case he is entitled to make a statement on the question of admissibility. If he wants to make a statement, I cannot shut him out.

Mr. SASANKA SEKHAR SANYAL: He can make a statement with regard to the question of admissibility. He cannot take this opportunity of our motion, to gag us and inflict his own speech upon the House.

Mr. SPEAKER: He must make a statement on the facts of the case.

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out that there have been precedents on the floor of the House when an adjournment motion had been moved, the Government made a statement whereupon the party moving the adjournment motion did not move the adjournment motion?

Mr. SPEAKER: If I am to follow strictly the parliamentary rules, then I would have to rule out 90 per cent. of the motions on the ground that official information is not forthcoming. That is the parliamentary practice. It is to obviate that a statement is allowed to be made on the facts, and thereby I shall have an opportunity of assessing the statements of both sides.

Mr. SASANKA SEKHAR SANYAL: The question is whether he will speak on the admissibility of the motion or he will take advantage of the motion and inflict a speech on the floor of the House. If he had only wanted to make a statement, he could have answered a short-notice question before. He should not take advantage of our motion and make a statement in his own way. The question of admissibility may then remain waiting. Let us understand our position. The question is whether the motion is in order or not. If it is in order, then the question of speeches will arise. If you are anxious to see that a statement is made, the result will be that it will have some effect upon the adjournment motion. May I suggest that the proper procedure would be to have the proposed statement placed before the Leaders of different parties in this House? But simply to take advantage of this motion and to make a speech on the floor of this House raised out of the motion proposed by us while our motion is remaining in the background will only have the effect of stultifying our position, and the Chief Minister will get a premium put on his position which is not contemplated by the rules.

Mr. SPEAKER: In any case, as the motion stands, I think that the Prime Minister, if he wants to make a statement, will be perfectly in order.

Mr. SASANKA SEKHAR SANYAL: On what? On the adjournment motion?

Mr. SPEAKER: Yes; on the question whether he has any objection as to the admissibility of the motion.

Mr. SASANKA SEKHAR SANYAL: If he goes beyond that?

Mr. SPEAKER: This is the first time that I am hearing it. The admissibility does not merely depend upon what is called the point of law. The admissibility of an adjournment motion more or less depends upon the statement of facts in two stages. Therefore, whatever arises out of the adjournment motion, namely, "the recrudescence and extension of rioting with incendiarism and lawlessness in the district of Dacca indicating the utter failure of the Department of Law and Order to control the situation to ensure protection of life and property in that district," is in order so long as he speaks on what steps Government have taken for the protection of life and property.

Mr. SARAT CHANDRA BOSE: It seems to me that there is a confusion of ideas. It is true that the Hon'ble the Chief Minister is entitled as a matter of right to place facts before the House showing that, not to speak of utter failure, there has been no failure at all to restore order in the affected areas. But that is on the merits of the adjournment motion. On the question of admissibility the rules are clear. The right to move an adjournment motion is there and is subject to the restrictions enumerated in rule 98 of the Bengal Legislative Assembly Procedure Rules. If the adjournment motion which is placed before you and in respect of which leave is asked for complies with the rules laid down in Part VII and particularly rule 98, it is in order. On that point if the Chief Minister wants to say anything, we are not going to stand in his way. Surely on the merits of the question the Chief Minister will have his say at the proper time and after he has had his say in the matter, it is for us sitting in Opposition to decide whether we shall press our adjournment motion or whether we are satisfied that even at this late stage proper steps have been taken to restore law and order.

Mr. SPEAKER: I feel that in a matter like this in order to enable me to decide, I must have facts and I have got no official statement of facts.

Mr. SANTOSH KUMAR BASU: We draw our facts entirely from the official communiqué and have not travelled beyond that. Under the circumstances, if the Hon'ble the Chief Minister says, "I have got other facts that I want to place before the House which will dispute the facts set out in the official communiqué," that, I submit, is not open to him.

Mr. SPEAKER: *He can place other facts. Your conclusion is* "utter failure."

Mr. SANTOSH KUMAR BASU: As I have pointed out, we derive our facts from the official communiqué. If he can show that there are other facts which will dispute the position taken up in the adjournment motion, that there has been utter failure, he can do it for the purpose of persuading the House to reject the motion on its merits, not on the question of admissibility.

Mr. SPEAKER: I must be convinced that *primâ facie* there is a case of utter failure.

Mr. SANTOSH KUMAR BASU: We say it is a case of utter failure on the part of the Government. On the other hand, it is open to the Hon'ble the Chief Minister to try and persuade the House that it is not a case of utter failure on the part of Government. It is the official communiqué on which hangs the whole question at the present moment. I submit that if we had drawn from other sources for the purpose of placing our facts on the adjournment motion, a question could have been raised by the Hon'ble the Chief Minister that we had travelled beyond the official communiqué and drawn from private sources. But we at the present moment stand on firm ground, so far as this particular adjournment motion is concerned. Under the circumstances, in this instance at any rate, there is no room for the Hon'ble the Chief Minister to say, "I dispute your facts." He cannot dispute our facts. But so far as the conclusion to be drawn from these facts is concerned, that is a matter which may be raised by the Hon'ble the Chief Minister, but that has nothing to do with its admissibility.

Mr. SPEAKER: What I was saying is that in order to enable me to find out as to whether the conclusion which you are arriving at from the facts which you have placed before the House is such that I can at this stage allow the adjournment motion. I have got to satisfy myself as to whether there is a *primâ facie* case which can come up before the House. Here is a matter which has got to be very strictly interpreted, because it is going to obstruct the normal proceedings of the House. Sufficient power has been given to the Speaker to consider every aspect of a case like this and not merely to confine himself to the question of its urgency and importance. That is therefore a point on which, I think, I should give a hearing to both sides of the House.

Rai HARENDRA NATH CHAUDHURI: Will you permit me to explain how I have drawn my conclusions from——

Mr. SPEAKER: You may do that after the Hon'ble the Chief Minister has spoken.

Mr. NIHARENDU DUTTA MAZUMDAR: May I in this connection, Sir, draw your attention to rule 100 of the Bengal Legislative Assembly Procedure Rules relating to the procedure to be followed in this case? The rule lays down that, "if the Speaker is of opinion that the matter proposed to be discussed is in order, and it has not been disallowed under these rules, the Speaker shall read the statement to the Assembly and ask whether the member has the leave of the Assembly. If no objection is taken, the Speaker shall intimate the hour at which the motion will be taken. If objection is taken, he shall request those members who support the motion to rise in their places," etc. I wish to ask you particularly to consider this point after an examination of the preliminary statement of facts that once you have given your consent to the matter being brought before the House and you have not disallowed this motion under any of the foregoing rules, namely,——

Mr. SPEAKER: But in every matter I have the power not to give my consent till I am satisfied. And for my own satisfaction I am only following a convention of this House in asking the Chief Minister to make a statement on the subject.

Rai HARENDRA NATH CHAUDHURI: It is not necessary, Sir. As regards the question of admissibility of the motion, certainly you are entitled to have your say, but in deciding —

Mr. SPEAKER: I may frankly tell you that if it is the desire of the Opposition and of the House that the procedure should be confined strictly to the question of the merits of a case then before the Speaker gives his consent and disposes of the question of its admissibility he must satisfy himself about its admissibility. Now instead of doing that you are given an opportunity in the House to consider the case in all its aspects with a view to deciding its admissibility. The Opposition contention, I think, is that according to strict legal interpretation the consent of the Speaker is to be restricted to certain general questions. But that is not the convention which has been followed so far; and if it is the desire of the House that the Speaker will place every such motion for the consideration of the House, I will have to reconsider the point.

Mr. NIHARENDU DUTTA MAZUMDAR: In deference to your wish, may I point out in reply to what you have just stated that according to the rules motions often have been refused in the House? I agree with you that there is room for accommodation with regard to the rules, but in that case the only proper course would be for the mover of the motion to read along with his motion a statement of facts and then following that the Hon'ble the Chief Minister might make

his statement of facts confining himself strictly to the points of the motion and to the points that are relevant to the question of its admissibility, and we can help you in arriving at a conclusion whether it is perfectly in order or not. I therefore submit that before the Hon'ble the Chief Minister makes a statement, if that is your wish rather than conforming strictly to the rules, the mover should be entitled to make his statement of facts by reading out first this motion and only after him the Hon'ble the Chief Minister might follow.

Mr. SPEAKER: Yes, I can do that.

Mr. SARAT CHANDRA BOSE: Sir, I desire to add one word more to what has been said from this side of the House. I submit that the uniform practice in this Legislature and also in the case of its predecessor has been to give consent to an adjournment motion when the adjournment motion is submitted with a statement of facts and makes out a *primâ facie* case. All that the mover of an adjournment motion has to satisfy you is that he is asking for an opportunity of discussing a definite matter of urgent public importance No matter what the Chief Minister may say, it is a definite matter of urgent public importance; of that there can be no doubt or dispute. The question that will arise in the course of discussion is whether the situation has been allayed. I suppose it will then be for the Chief Minister to place before the House what steps have been taken to ease the situation. That is a question relating to the merits of the adjournment motion. Further, if I may remind you, with very great respect, I feel that the question of the merits of the adjournment motion, namely, whether there has been utter failure on the part of the Government to control the situation and ensure protection to life and property, is a matter for the House to decide and not for the Speaker. It is for the Speaker to satisfy himself that *prima facie* an adjournment motion comes within the purview of Part VII of the Assembly Procedure Rules.

Mr. SPEAKER: I have heard with attention the statement of the Leader of the Opposition. Mr. Bose may rest assured that the procedure may have to be modified in future, and I can assure the honourable members on my left that that will restrict the right of the Opposition very much. For the time being, however, I would follow the present practice, and I will allow the Chief Minister to speak; and after that if Mr. Rai Chaudhuri wants to make a statement, he may do so.

Mr. SASANKA SEKHAR SANYAL: Is there any precedent for this practice, Sir?

Mr. SPEAKER: Yes.

Mr. SASANKA SEKHAR SANYAL: May I know which precedent are you following?

Mr. SPEAKER: I cannot say offhand.

Mr. SASANKA SEKHAR SANYAL: Sir, you are the Speaker and custodian of the privileges of this House and certainly every word that comes from you is very sacred even if it is a word of mild threat.

Mr. SPEAKER: There is no other alternative. There are many things relating to facts which may be clarified by a discussion, and I will have to rely on that for giving my consent to the adjournment motion being moved. Before I give my consent, I have to thrash out the question and decide whether it is admissible or not

Mr. SASANKA SEKHAR SANYAL: I submit that there is practically no difference between what you have just said and what the Leader of the Opposition has said. I also submit that the question at this stage is a very narrow one, namely, whether it is admissible or not; and before the matter comes on the floor of the House and before the Hon'ble Minister has got anything to do with it, you have got to be satisfied that *primâ facie* it is an urgent and definite matter that comes under rule 96 of the Legislative Assembly Procedure Rules, and then you have got to see whether the motion itself transgresses the provisions of rule 98——

Mr. SPEAKER: I have also to see whether it is of recent occurrence

Mr. SASANKA SEKHAR SANYAL: Yes; and then after rule 96 you have to see that the provisions of rule 98 of the Legislative Assembly Procedure Rules are not transgressed, and then in your wisdom you have to decide whether a *primâ facie* case has been made out for an adjournment motion The opposite party comes in for the first time only when an objection is taken, and when no objection has been taken to the particular motion now before the House, I submit that no further discussion is called for at this stage

Mr. SPEAKER: I would advise you, Mr. Sanyal, to read the relevant proceedings of the Central Legislative Assembly during Mr. Patel's Presidentship and see how facts were thrashed out in the first instance.

Mr. SASANKA SEKHAR SANYAL: For the time being, Sir, I have greater respect for your rulings than for Mr. Patel's decisions, and now I am placing before you the rules which were framed in the

considered wisdom of yourself aided by the advice tendered by certain members of this House. My humble submission before you, Sir, is that at this stage whatever the Chief Minister may have to say, he may say in connection with any opposition to the admissibility of the motion that he has to offer. Beyond that he is absolutely out of order, and I beseech you, Sir, that in the name of past precedents, which probably are more or less confusions, at the present moment let us not create a precedent which will have the effect of stultifying the motion itself and have the effect of putting a premium on the Hon'ble Minister's statement at the cost of the motion itself. So, I implore you, I beg of you, Sir, not to create a very bad precedent. We on the side of the Opposition are absolutely sure that the interpretation which is now being sought to be given on the rule is not correct. It is positively wrong.

Mr. SPEAKER: All that I say is that in view of Mr. Sanyal's statement, I have to reconsider the whole thing once again and find out what is the practice and procedure. But we shall follow the same procedure as we have been following so far. This will not be a precedent. I will make a statement later on as to what the procedure should be.

Mr. SARAT CHANDRA BOSE: May I, Mr. Speaker, ask you to concentrate your attention on the few words in rule 100 and to reconsider the line you propose to take?

Mr. SPEAKER: I want to give the House an opportunity to discuss the merits of the rules and the procedure

Mr. SARAT CHANDRA BOSE: That will come in later. Now it is an important point of procedure Under rule 100, "If the Speaker is of opinion that the matter proposed to be disposed of is in order, and it has not been disallowed under these rules"—that stage has passed because you have already given your consent—then the Speaker has no option but to follow this procedure, namely, "the Speaker shall read the statement to the Assembly"—the words are mandatory—"and ask whether the member has the leave of the Assembly." Having regard to the fact that your consent has already disposed of any question that the matter proposed to be discussed is not in order or that it can be disallowed—your consent implies that the motion is in order and it has been allowed under these rules—in that view, Sir, the next step to take is not to allow the Chief Minister to make a statement, but to read the statement placed by Rai Harendra Nath Chaudhuri to the Assembly and then ask the Assembly whether he has the leave of the House to move the motion.

Mr. SANTOSH KUMAR BASU: May I also point out, Sir, that the position which the Chief Minister has taken up is this? He says that discussion on a matter like this is to be welcomed, but if he makes a statement it may not be necessary for us to move the adjournment motion. He has put it on that ground, and not on the question of interpretation of the rules or on the question of order. That being so, you will kindly allow us to move the motion, and to ask for the leave of the House, and then, if so desired, allow the Chief Minister to make a statement after the motion is admitted. The Chief Minister must not insist on his statement being made first before the question of admissibility is decided.

Mr. SPEAKER: As regards that, in view of the statements which have been made from the Opposition, I will make a careful study of that, and have a discussion on that point alone as to the procedure. But for the time being, whatever may be the nature of the rules and the interpretation, the practice which is being followed is always to allow an opportunity to Government to make a statement.

Mr. JOGESH CHANDRA GUPTA: Sir, this motion is based on a Government communique There have been occasions when an adjournment motion has been tabled on certain reports received by the members. But this motion can be distinguished and there is no necessity for a Government statement as the Speaker need not be in possession of a Government statement of facts in this particular case I would respectfully ask you, Sir, to consider this matter, having regard to its importance—the whole province wants a discussion and I think a discussion may be helpful to find ways and means—I expect that this motion will be allowed to be moved, particularly having regard to the indication the Chair has given that this motion will be discussed on Wednesday.

Mr. SPEAKER: No, no. In view of this it may be discussed to-day. I thought that the House would agree to have this procedure, but if that is not so, I will have to consider whether it is in order and we will immediately discuss it if possible.

Mr. JOGESH CHANDRA GUPTA: I only repeat, Sir, that the adjournment motion is based on the Government communiqué.

Mr. SPEAKER: I am fully aware of the responsibility which is on me. In the past we have been following some practice and convention. That convention has not always been strictly according to the terms of the rules. Even on that basis, I would have to satisfy myself in deciding the motion to be in order as to whether we can come to the

conclusion that there was utter failure of the Department of Law and Order and whether a motion of this nature should be discussed in this House or not. That is a right which the Speaker has got in deciding whether it is a matter of urgent public importance. And in deciding this matter, I do feel that it will not be right for me to come to a mere conclusion on one-sided statement, but I should have the latest authentic information from Government on this point. I, therefore, hold that for the time being, without entering into the question of future practices and without making a precedent, it is necessary for me to hear Government as to whether the matter is of such urgent public importance as to make it admissible and in order.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I wanted to make a statement because I felt that the primary object of an adjournment motion of this type as also of the short-notice question that has been tabled by Mr. Steven is to elicit information of an authentic kind and then to decide whether Government has really been able to meet the requirements of the situation or whether it has failed in its duty.

Sir, in any case, as I am prepared to answer the short-notice question——

Mr. SARAT CHANDRA BOSE: Mr. Speaker, may I rise on a point of order? Having regard to the last few words uttered by the Chief Minister, it is abundantly clear that the points that he desires to raise are entirely on the merits of the question, and I object to his doing so at this stage.

Mr. SPEAKER: As a matter of fact, I have to hear him as to what he has got to say on the present position in order to decide whether it is a matter of urgent public importance.

Mr. SARAT CHANDRA BOSE: May I have your ruling, Sir, on one point? Is it permissible for the Speaker having given his consent once to withdraw his consent and allow the matter to be discussed whether it is a definite matter of urgent public importance?

Mr. SPEAKER: No, no. There is nothing at all in giving consent. I will have to consider one point, namely, whether it is a matter of urgent public importance.

Mr. SARAT CHANDRA BOSE: That is what I have already drawn your attention to, and I can only regret that the matter has not yet been drawn to your attention sufficiently. Rule 100 makes it clear: "If the Speaker is of opinion that the matter proposed to be discussed is in order....." that draws to it all the rules which have gone before,

namely, rules 96, 97, 98 and 99, and it has not been disallowed under these rules. Far from being disallowed, it has been consented to by you, and therefore it follows that all the rules have been complied with including the rule which lays down that only a definite matter of urgent public importance——

Mr. SPEAKER: Is it your contention that because I have given my consent, I am holding that the motion is in order?

Mr. SARAT CHANDRA BOSE: Indisputably.

Mr. SPEAKER: I am afraid that is not so. There are two stages —one stage for the Speaker's consent and the second stage is for the Speaker to decide whether the motion is in order or not. I have already decided the first stage. In considering the second stage, namely, whether the motion is in order or not, I am entitled to hear Government as to what they have got to say as to whether it is a matter of urgent public importance.

Mr. JOGESH CHANDRA GUPTA: Whether the motion is in order or not has not been disputed by the other side.

Mr. SPEAKER: It is not for others to say whether it is in order. It is for me to decide that.

Mr. SASANKA SEKHAR SANYAL: In that view of the matter we will divide it into two stages. After having given your consent when you decide the question being in order, the rules do not give absolutely anything by which any statement of Government or a Minister would be relevant.

Mr. SPEAKER: Those who served on the Rules Committee will remember this——

Mr. SASANKA SEKHAR SANYAL: You will have to determine *primâ facie* upon the motion itself based upon the statement of facts.

Mr. SPEAKER: In any case, I have told you that I shall give my ruling after hearing the Chief Minister.

Mr. SASANKA SEKHAR SANYAL: The proper procedure would be in deciding whether the motion is in order or not to call upon the mover of the motion to give facts and figures to show that he is in order.

Mr. SPEAKER: After hearing the Prime Minister, I will give my ruling.

Mr. SASANKA SEKHAR SANYAL: Why should that be so?

Rai HARENDRA NATH CHAUDHURI: Without giving me an opportunity of making my submission!

Mr. SPEAKER: I gave you an opportunity in the first instance.

Rai HARENDRA NATH CHAUDHURI: Let me amplify my statement, Sir.

Mr. SPEAKER: Yes; if you wish to.

Rai HARENDRA NATH CHAUDHURI: The statement that follows my motion runs thus: From the official communiqué issued on Sunday afternoon and appearing in the morning papers to-day, it appears that while there has been a recrudescence of stabbing cases in the town of Dacca, the riot situation in Narsindi, Raipura and Sibpur thanas of the Dacca district is causing considerable anxiety. I quote the language of the official communiqué. The communique adds, that aerial reconnaissance has revealed that "two large villages have been burnt out as well as several smaller *paras* in those localities." There has been—I again quote from the official communique—"considerable damage to property" and a large number of villagers have moved away to Tripura State. Stabbing incidents continue to occur even in the town of Dacca, etc. This is the short statement that follows my motion and if you permit me, I will place before the House the whole communiqué, but, I think, I have summarised the communiqué fairly and accurately.

Mr. SPEAKER: It is not necessary to place the whole communiqué before the House.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I will not recall the incidents that took place in the town of Dacca, because the situation however alarming in the beginning has now been brought under control by the promptitude of the actions that have been taken by the local police and by the co-operation of Hindu and Muslim leaders of the city of Dacca. Sporadic cases of stabbing are taking place, but these things do continue after rioting on a large scale has taken place, and it is nothing new that even after the measures had been taken by Government stray cases of stabbing are happening. The situation, however,

is such that the city of Dacca itself will be completely immune from troubles in the near future, and we have got every hope that there will be no recrudescence in the city of Dacca itself.

Sir, I now come to the very unfortunate occurrences that took place in some of the villages of Dacca. It appears that exaggerated accounts of what had happened in Dacca, specially of the desecration of mosques, have reached the villagers throughout the district and there was tense excitement throughout the whole of the Muslim community, and it is with very great difficulty that the officials have managed to keep the people under control. The country near about Narsindhi and Bhairab is such that there are no sufficient means of communication and people took advantage of that to come out of their homes and commit looting, arson and other offences and, on the merest approach of the police, they vanished into the jungles and escaped arrest. Now, Sir, that being the position, I will now detail under various heads what has happened and what is happening at the present moment and what steps Government have taken, are taking and do propose to take to bring the situation under control and to give protection to life and property. It appears that on the 1st or 2nd of April in Raipura police-station this trouble first broke out. Arson and looting were reported from the area north-east of Narsindhi and south-west of Bhairab Bazar. The disturbances continued during the period up to the 6th and the Second Additional District Magistrate who proceeded to Raipura on hearing of the trouble was wounded. The officer in charge of Raipura police-station was also wounded on the same day. The police were compelled to fire on the mob at Chikandi, Sibpur police-station, on the 5th during the morning and during the night of the same day the police party was attacked and three constables were injured. The original report mentioned several Hindu *paras* as having been set fire to. There are, however, no details of localities. On the 6th, the Inspector-General of Police who flew over the area noted two villages burnt down and a number of *paras* also. During the same day the Commissioner travelling by train noted some columns of smoke, but there was no indication of the origin or the localities of these fires. But this morning the Inspector-General of Police again made an aerial reconnaissance and the report showed no signs of fires burning.

As regards looting, he says that details are not yet available, and I am not in a position to give the House any information on that point.

Mr. JOGESH CHANDRA GUPTA: We can give you.

The Hon'ble Mr. A. K. FAZLUL HUQ: I now come to the measures which have been adopted and which are of very great importance. On the 3rd April, the Deputy Inspector-General of Police, the Additional Superintendent of Police, Dacca, and the Assistant Commander of the Eastern Frontier Rifles with about 125 men extra went to the affected

area and tried to round up the raiding bands. On the same day 100 additional men of the Eastern Frontier Rifles and Armed Police were requisitioned from Chittagong. On the 5th, the Inspector-General of Police proceeded to Dacca with the additional officers that were called for from Barrackpore and Howrah. On the 6th there was reinforcement of 100 armed police with complements of officers from as far off a place as Burdwan. A company of the regiments stationed at Dacca was called out in aid of the civil power in the affected area. The Superintendent of Police of Mymensingh is standing by with an armed force at Bhairab Bazar and the Subdivisional Officer of Narayanganj is patrolling the whole of that area. It appears that there are adequate forces out to deal with the situation. I submit to the House, therefore, that there is no reason to be panicky. All steps that have been possible with the aid of the civil police have been taken, and Government are prepared to undertake still more measurs if the situation worsens or if the situation requires other measures to be taken. A number of residents in the affected area had left and had proceeded to Tripura State. The State authorities estimated the number of such evacuees at over 3,000 and they have made arrangements for looking after them. Relief measures are being organised. Rice and *dal* have been sent, and on the 6th April the Commissioner of the Dacca Division went to Narsindhi to supervise the operation there. There is nothing to suggest that the disturbance has been the result of organised and co-ordinated activities. Local bands have been responsible for the outrages and they melted away on the approach of the police. I may mention that local leaders belonging to all the communities have come forward to co-operate with the officials and other officers of Government. The whole of that area is being guarded. Godowns, big shops and bazars and *hats* are being guarded by the military police and pickets have been stationed at every place where danger is apprehended. But considering the nature of the locality and want of means of communication there, I submit that so far as the Government are concerned, they have taken sufficient measures to meet the situation, and we have every reason to believe that very soon the situation will be brought under control. As a matter of fact, the Chief Secretary has authorised me to state that the latest information shows that the situation is under control and by to-morrow I hope I will be able to make a statement which will be satisfactory to all parties concerned. I may mention that so far as Government are concerned, they were taken unawares by what happened in that area. After the occurrence has taken place, all that they can do is to meet the situation and to stop the riot, arson and looting from spreading outside the areas. As a matter of fact, Government has successfully localised the whole disturbance and has not allowed it to spread to other parts of the country. In these circumstances, I submit that all that possibly could be done has been done.

As regards the short-notice question, I think that the statement that I have made will give all information that the honourable member wanted to know from Government. As regards (a)(i)—yes——

Mr. SPEAKER: That is not necessary.

The Hon'ble Mr. A. K. FAZLUL HUQ: In these circumstances, Sir, I submit that no useful purpose will be served by discussing the adjournment motion. I oppose it.

Mr. JOGESH CHANDRA GUPTA: May I then take it that the Hon'ble the Chief Minister has said that at least Government was taken unawares?

The Hon'ble Mr. A. K. FAZLUL HUQ: Any situation may arise anywhere in the province of which Government may not have previous information.

Mr. SPEAKER: There is no doubt that it is a matter of urgent public importance, but there are certain other matters which I have got to consider before I give my decision. Is there any objection if I take a little more time to consider this question? If after further consideration I find that the motion is in order and can be admitted, I will fix 6-30 p.m. to-morrow for the discussion of the adjournment motion. But in a matter like this, I feel, especially in view of the points which have been raised by Mr. Bose, I have got some responsibility in the matter. There are two things. One is whether the Speaker should be the judge of the facts that have been brought forward as the Opposition has contended. The other point is the Opposition contention that it was an utter failure on the part of the Government. Government on the other hand denies that. The question is whether I am to judge the facts or whether it is for the House to decide the matter. If I have to decide the matter, I should in the first instance be satisfied that it is legitimate on the part of a section of the House to say that there was an utter failure. I feel that my duty for the time being is to examine whether I should be guided by the suggestions made by the Opposition. However, I shall give my decision to-morrow and in case I hold the motion to be in order, I will take it up to-morrow.

Mr. SARAT CHANDRA BOSE: Did I understand you to say that you are postponing your decision on the question of its admissibility till to-morrow?

Mr. SPEAKER: There are two points: one concerns its admissibility and the other relates to its discussion. I propose to take up both the questions to-morrow. But if it is the desire of the Opposition that

the question of its admissibility should be decided to-day and that the discussion on the motion might be taken up to-morrow, in case the motion is admitted, I am quite prepared to take up the question of its admissibility after the prayer interval.

Mr. SARAT CHANDRA BOSE: We have no objection to the discussion being fixed for to-morrow, but with regard to the question of admissibility it should be decided to-day. As the Chief Minister has placed certain facts before the House, I should like to place certain other facts to-day before you dispose of the question of its admissibility.

Mr. SPEAKER: All that I am concerned with is whether the gentleman who has tabled the adjournment motion has got a *prima facie* case.

Mr. SARAT CHANDRA BOSE: If you are satisfied on that point, I do not desire to take up the time of the House; but if you have doubts on that point, I would like to place certain other facts before the House here and now.

Mr. SPEAKER: I propose to give my decision on the question of its admissibility immediately after the prayer interval.

Mr. SARAT CHANDRA BOSE: In that case I will ask you to give me an opportunity of placing certain other facts before the House confirming the facts contained in the official communiqué.

Mr. SPEAKER: After the prayer interval, in case I hold that the motion is in order, it will not be necessary; but if I hold that the motion is not in order, then in that case I will give you an opportunity to speak and thereafter I shall give my decision.

Mr. NIHARENDU DUTTA MAZUMDAR: May I enquire about your decision on the other question, Sir?

Mr. SPEAKER: That will stand over for the present.

Message from the Bengal Legislative Council.

The Secretary to the Bengal Legislative Assembly read the following message received from the Bengal Legislative Council:—

"The concurrence of the Bengal Legislative Assembly is asked to the Bengal Local Self-Government (Amendment) Bill, 1941, as passed by the Bengal Legislative Council at its meeting held on the 7th April, 1941."

Copies of the Bill were laid on the table.

Applications for Leave of Absence.

Mr. SASANKA SEKHAR SANYAL: I beg to move that this Assembly do permit Mr. Pratul Chandra Ganguly, representing the East Bengal Municipal Constituency, Babu Jnanendra Chandra Majumdar, representing the Mymensingh East (General) Constituency, and Babu Narendra Narayan Chakravarty, representing the Bogra *cum* Pabna Constituency, to be absent for a period from the 3rd of February, 1941, till the end of this session during which they find that they are unable to attend the meetings of this Assembly.

Srijut ASHUTOSH MULLICK: Sir, I beg to move that this Assembly do permit Mr. Bankim Mukherjee, representing the Colliery (Coal Mines) Constituency, Dr. Nalinaksha Sanyal, representing the Presidency Division Municipal Constituency, Mr. Harendra Kumar Sur, representing the Noakhali (General) Constituency, Dr. Sharat Chandra Mukherji, representing the Birbhum (General) Constituency, Mr. Radha Nath Das, representing the Hooghly North-East General (Reserved for Scheduled Castes) Constituency, Mr. Sukumar Dutt, representing the Hooghly South-West General Constituency, Mr. Haripada Chattopadhya, representing the Nadia (General) Constituency Mr. Kamal Krishna Roy, representing the Bankura East (General) Constituency, to be absent from the 3rd of February, 1941, till the end of the present session for which they find that they are unable to attend the meetings of this Assembly.

Sir, I beg also to move that this Assembly do permit Mr Nikunja Behary Maiti, representing the Midnapore South-East (General) Constituency, and Mr. Dhirendra Nath Dutta, representing the Tippera (General) Constituency, to be absent from the 3rd of February, 1941, till the end of the present session for which they find that they are unable to attend the meetings of this Assembly.

Sir, I beg also to move that this Assembly do permit Dr. Suresh Chandra Banerjee, representing the Calcutta and Suburbs (Registered Factories) Labour Constituency, to be absent from the 6th February, 1941, till the end of the present session for which he finds that he is unable to attend meetings of this Assembly.

The motions were then put and agreed to.

GOVERNMENT BILLS.

The Bengal Finance (Sales Tax) Bill, 1941, as passed with amendments by the Bengal Legislative Council.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the amendments made by the Bengal Legislative Council in the Bengal Finance (Sales Tax) Bill, 1941, be taken into consideration.

Mr. SPEAKER: Before I put this motion, I would ask the House to decide when it would take up the Bengal Local Self-Government (Amendment) Bill, 1941, as passed by the Bengal Legislative Council. I suggest that it would be convenient to send in amendments by day after to-morrow in the forenoon so that it might be taken up that very day.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, I hope the answer will be furnished by yourself. Government may have anxiety to get this Bill through in a hurry, but neither yourself nor members of the House want to see——

Mr. SPEAKER: We are very much anxious not to come after the holidays.

Mr. SASANKA SEKHAR SANYAL: If Government think they cannot wait, Government will have to take the consequences. It is absolutely impossible for us to table amendments and to do justice to the matter on the 9th, because we have already got other Bills and you will agree with me, Sir, that a matter of this description——

Mr. SPEAKER: All that I say is that you table amendments.

Mr. SASANKA SEKHAR SANYAL: Let us decide the matter once and for all, Sir, because it will not be possible for us.

Mr. M. SHAMSUDDIN AHMED: Why hurry about it? Is it for Dacca, or for what?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government would like very much to get this Bill through in this session.

Mr. SPEAKER: I thought that it was a short Bill. But if members want to put in amendments, then it will not be possible to finish the Bill in one day.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is a simple Bill. (Laughter from Opposition Benches.) It will not be difficult to dispose of the amendments in one day.

Mr. M. SHAMSUDDIN AHMED: Sir, this Bill is being hurried through.

Mr. SPEAKER: We will take it up later. We shall now take up the Finance (Sales Tax) Bill and proceed with it as far as possible.

The motion of the Hon'ble Mr. H. S. Suhrawardy that the amendments made by the Bengal Legislative Council in the Bengal Finance (Sales Tax) Bill, 1941, be taken into consideration was then put and agreed to.

Clause 2.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that the explanation to clause 2(*c*) be omitted.

Sir, the explanation is absolutely unnecessary. I do not know why the Hon'ble Minister has accepted this explanation as suggested by the Upper House.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment. The explanation clarifies the situation and leaves no one in doubt.

The motion of Mr. Syed Jalaluddin Hashemy that the explanation to clause 2(*c*) be omitted was then put and lost.

Clause 4.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in the proviso to the clause 4(*1*), in lines 2-3, for the words "is shown to the satisfaction of the Commissioner to have been" the word "was" be substituted.

I also beg to move that inclause 4(*5*), lines 4-7, the words beginning with "and such" and ending with "shall cease" be omitted

I further beg to move that in clause 4(*5*) (*a*), the words "or produces" be omitted

Now, Sir, so far as amendment No. 2 is concerned, if you refer to clause 4 you will see that the clause as it was passed by us reads as follows: "Provided that the tax shall not be payable on sales involved in the execution of a contract which was entered into on or before the date so notified." My amendment suggests that the sub-clause should stand as it emerged from the Legislative Assembly and not as it has been amended by the Council Sir, there can be no question of satisfaction or dissatisfaction of the Commissioner, because the proviso refers to a question of fact, namely, whether there was or was not a contract which was entered into on or before the date so notified. That can be only a question of fact.

Mr. SPEAKER: Who will take that fact into consideration?

Rai HARENDRA NATH CHAUDHURI: The Commissioner will. But no question of satisfaction comes in. He will only have to take the fact into consideration. The proviso, as it was passed by us, was confined to a question of fact only. But if you put it in the amended way, you leave to the Commissioner certain discretion in the matter

of interpretation. Our idea is that no discretion should be left to the Commissioner. It is a pure question of fact and it should be decided as a question of fact and, therefore, we shall stand by the Assembly decision and shall not be guided by the decision that has been reached in the Council.

Then, as regards the deletion of the words as proposed by my amendment No. 3, you will remember, Sir, that when this sub-clause was under discussion there was strong objection to the sub-clause. The sub-clause ran thus: "Every dealer who has become liable to pay tax under this Act shall continue to be so liable until the expiry of three consequtive years during each of which his gross turnover has failed to exceed the taxable quantum." The idea was that in spite of the fact that his gross turnover failed to exceed the taxable quantum, the dealer would have to be liable for payment of tax for three consecutive years. Now that liability was going to be extended by the amendment made by the Council, because of the following added words, namely, "and such further period after the date of such expiry as may be prescribed, and on the expiry of this latter period his liability to pay tax shall cease." In other words, his liability to pay tax will not cease even after the expiry of three years as originally contemplated, but will continue for such further period as may be prescribed. This is really carrying things too far. It is only penalising people for nothing and for an unconscionably long time

Then, Sir, I come to amendment No. 7. It proposes only a verbal change. I cannot understand the import of the words "or produces." Amended sub-clause (5)(*a*) says that "taxable quantum means in relation to any dealer who imports for sale any goods into Bengal, or himself manufactures or produces any goods for sale." The phrase "produces any goods for sale" has, I think, a very wide denotation. It might include even raw materials produced, but it was not contemplated to include such things before. I would therefore object to the inclusion of the words "or produces."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose these amendments.

With regard to the first, there is no discretion given to the Commissioner. Somebody will have to decide whether the contract had been entered into before the date so notified, and Government imply that the Commissioner should so decide. With regard to the second amendment, this has been put in to cover the interval which must elapse before the expiry of the three successive years during which a dealer's gross turnover has failed to exceed the taxable quantum, and the point of time at which it will be practically possible to have published for the information of all other registered dealers that the registration of a particular registered dealer is being cancelled and with effect from such date he will no longer be liable to pay tax to the

Government and no tax shall be levied upon the sales of such a dealer. In the absence of any such provision contained in the amendment made by the Council, there will be some confusion entailing either loss to Government or double payment of tax, for at least two months or so will be required after the expiry of the third year in order to discover that a dealer's turnover has again failed to exceed the taxable quantum and to cancel the registration. If this item is not there, then nobody would know whether it has been cancelled or not cancelled. I hope Rai Harendra Nath Chaudhuri will be good enough to listen to what I say. He will see that it does not exceed the period to any extent. It only gives us two months' time to ascertain whether the taxable quantum of a person has for three successive years been found to be below the taxable quantum.

Sir, with regard to the third amendment, namely, the words "or produces" a constitutional question was raised. It seems that if the words "or produces" are not there, we are liable to be hit by some section of the Government of India Act with regard to discrimination.

Rai HARENDRA NATH CHAUDHURI: Which section?

The Hon'ble Mr. H. S. SUHRAWARDY: Some section. Without the words "or produces" for instance, an importer of oranges from Assam will have to pay the tax, whereas a person producing the same thing within the province would escape it. It is for this reason and to take it out of that section of the Government of India Act that the words "or produces" have been inserted.

The motion of Rai Harendra Nath Chaudhuri that in the proviso to clause 4(*1*), in lines 2-3, for the words "is shown to the satisfaction of the Commissioner to have been" the word "was" be substituted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 4(*5*)(*a*), the words "or produces" be omitted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 4(*3*), lines 4-7, the words beginning with "and such" and ending with "shall cease" be omitted was then put and a division taken with the following result:—

AYES—51.

Abdul Jabbar Paiwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barma, Babu Promhari.
Barman, Babu Shyama Prasad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lasthmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Harendra Nath.
Dutta Gupta, Miss Mira.

Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Krishna Prasad.
Manirazzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Naskar, Mr. Hem Chandra.
Pramanik, Mr. Tarinisharan.
Ramiruddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—95.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampari, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmeed, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rauf, Khan Sahib Maulvi S.
Abdul Metaleb Malik, Dr.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edber, Mr. Upendranath.
Farhad Reza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. G.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hassanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmed, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mandal, Mr. Banku Behari.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mustagawsal Haque, Mr. Syed.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Sanaullah, Dr.
Sarcoen, Mr. R. M.
Serajul Islam, Mr.
Stark, Mr. A. F.
Sirdar, Babu Lilla Munda.
Smith, Mr. N. Brahant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamiruddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yousuf Mirza.

The Ayes being 51 and the Noes 95, the motion was lost.

Clause 8.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in clause 8(*4*), the words "and shall remain in force thereafter unless cancelled under the provisions of the Act," in lines 3 and 4, be omitted.

Sir, these words have been added by the Council. Let us see what are the provisions in the Act under which cancellation will take place. If you refer to sub-clause (*3*) you will find——

Mr. SPEAKER: It has to be read with clause 4(*3*).

Rai HARENDRA NATH CHAUDHURI: No, Sir. Clause 8 refers to voluntary registration of those persons who are not liable for registration, but who register themselves for securing some advantages. Sub-clause (*4*) extends the period to three years for which such a dealer will remain registered. That is, it extends the registration to such further period during which the registration will not be cancelled. Let us see what is the provision for the cancellation of such registration. If you refer to sub-clause (*3*) you will see that every dealer shall, so long as his registration remains in force, be liable to pay tax under this Act. Now, Sir, I cannot understand who is going to cancel the registration and on whose motion is the registration going to be cancelled. This registration is on voluntary basis, still the sub-clause says it shall remain in force thereafter unless cancelled under the provisions of this Act. The specific period that was contemplated in the original sub-clause should remain——

Mr. SPEAKER: Is it not in sub-clause (*5*) that he can apply in time before the end of the year?

Rai HARENDRA NATH CHAUDHURI: Therefore, it shall remain in force unless and until the person registered moves for cancellation.

The Hon'ble Mr. H. S. SUHRAWARDY: It removes an ambiguity.

Rai HARENDRA NATH CHAUDHURI: Here it does not depend on the Registrar, but on the person concerned. If that be the idea, then, of course, I can agree to the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose it.

The motion of Rai Harendra Nath Chaudhuri was then put and lost.

Clauses 11 and 21.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 11(*3*), line 13, for the word "thirty" the word "ninety" be substituted.

Sir, I beg also to move that in clause 21(*1*), line 1, for the word "sixty" the word "ninety" be substituted.

Sir, in the first case, viz., with regard to amendment No. 9, my object is to extend the period of the payment of tax by the dealer from 30 days to 90 days. Although there is a provision of instalment and extension of time, the statutory period should be 90 days instead of 30 days.

Then, as regards amendment No. 10, the period of appeal is generally 90 days. I would, therefore, request the Hon'ble Minister to extend the period to 90 days instead of 60 days in the case of an appeal from the Board of Revenue to the High Court.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the motions. In clause 11 the Assembly gave no time, but the Council has given 30 days' time. There is no reason why the period should be increased to 90 days. Similar is the case with regard to clause 21.

The motions were then put and lost.

Schedule.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that item 31 of the Schedule be omitted.

This is a new addition by the Council. I object to it on the ground that we have a large export trade in hides and skins. It is such an important trade of ours that we can hold our own in the markets of the world against the other hide-selling countries. So far as I remember, after the introduction of the Scheme of Empire Preference at any rate, India could capture outside markets to the exclusion of Argentina and other countries with which India had to compete. Therefore, it is an article of trade by which we can bring in some money to this country from other countries which exploit us because of their advancement as industrial and manufacturing countries. Such an article of trade ought not to be exempted.

The Hon'ble Mr. H. S. SUHRAWARDY: Quite apart from the fact that the imposition of this slight tax would have deflected the business from Bengal to Bihar and Madras, the exemption falls within the principle of the Bill which is to the effect that raw materials which cannot be consumed without being transformed to something else should not be subject to taxation.

The motion of Rai Harendra Nath Chaudhuri that item 31 of the Schedule be omitted was then put and lost.

The question that the Assembly concurs in the amendments made by the Council was then put and agreed to.

Mr. SPEAKER: A message will be sent accordingly to the Council.

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

Mr. Speaker's ruling on the admissibility of the adjournment motion moved by Rai Harendra Nath Chaudhuri.

Mr. SPEAKER: I promised to give a decision on the point as to whether the adjournment motion is in order or not. I have heard the statement which has been made by the honourable mover as also the statement made by the Hon'ble the Chief Minister, and I feel that the motion is in order, for the reason that so far as the facts are concerned, there seems to be no difference substantially between the statement which has been made by the mover and that made by the Government. Whether from that statement a conclusion can be drawn that there is a failure of the Department of Law and Order to control the situation or not is a matter which is not for me to decide. I am merely to find out as to whether a *primâ facie* case has been established by which a section of the House may hold that law and order has failed. Without entering into the question as to whether there has been a failure or not—it is not for me to decide but the House is the ultimate authority to decide—I hold the motion to be in order, and I will now ask if there is any objection to the motion being taken up.

(There was no objection.)

There being no objection, I hold that this motion is in order and it will be taken up to-morrow——

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, may I suggest day after to-morrow, because I have just ascertained that the Inspector-General of Police has not yet returned, and I may not be in a position to give much further details than I have done to-day. I pray, Sir, that it may be taken up day after to-morrow.

Mr. KIRON SANKAR ROY: So far as we are concerned, we have no objection. As a matter of fact, it will be advantageous to us if you take it up on Wednesday.

Mr. SPEAKER: Then it will be taken up on Wednesday at 5-45 p.m.

The Bengal Water-Hyacinth (Amendment) Bill, 1940, as passed by the Bengal Legislative Council.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Water-Hyacinth (Amendment) Bill, 1940, as passed by the Bengal Legislative Council, be taken into consideration.

The motion was then put and agreed to.

Clauses 1 and 2.

The question that clauses 1 and 2 stand part of the Bill was put and agreed to.

Clause 3.

Mr. A. F. STARK: Sir, I beg to move that in clause 3 in the proposed section 13A(*1*) after the word "may" in line 1 the words "subject, in such cases as may be prescribed, to the approval of the Chief Engineer of the Irrigation Department or any officer authorised by him" be inserted.

I also beg to move that in clause 3, the following proviso be added to the proposed section 13A(*1*), namely :—

"Provided that such scheme and estimate shall provide for the removal and destruction of any water-hyacinth which may, as a result of such scheme, be intercepted in any flowing channel."

I further beg to move that in clause 3 in the proposed section 13A(*2*) for the words "in the prescribed manner" in line 7 the words "in the *Official Gazette* and in such other manner as may be prescribed" be substituted.

I also move that in clause 3 in the proposed section 13A(*4*) after the word "behalf" in line 2 the words "and subject, in such cases as may be prescribed, to the approval of the Chief Engineer of the Irrigation Department or any officer authorised by him" be inserted.

Sir, we understand that under this Bill bamboo barriers may be placed across flowing channels, with the result that they may cause obstruction by the collection of their silt and interfere with irrigation. We therefore think that there should be some provision for consultation with irrigation officers in respect of schemes which affect flowing channels. We also think that the schemes should be published in the *Official Gazette*.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, so far as these amendments are concerned, Government are in agreement with the objects of these amendments. What I think is that most of these

things can be provided for in the rules and no formal amendment of the sections of the Act is necessary for that purpose. But I have some doubts as regards amendment No. 6. Whether that could be incorporated under the rules or not is somewhat doubtful. But I can give this assurance that even with regard to amendment No. 6, Government in taking action under this proposed Amendment Act will act according to the principles enunciated here and so far as the remaining amendments are concerned, I can give this assurance to my honourable friend that these will be provided for in the rules. Why I object to this House making a formal amendment is that I am anxious that the Bill may be passed into law as soon as possible. If the Bill is not passed into law in this session, then it will have to be taken to the next session for the purpose of being placed on the statute book and in that case it will not be possible to take any action under the Act in the current year. On the other hand, there are some very urgent measures which should be taken up as early as possible. The proposals made in these amendments, though important, are not of such a character as to justify the holding up of the passing of the Bill, particularly in view of the fact that so far as amendments Nos. 5, 7 and 8 are concerned, the proposals made in them could be incorporated in the rules to be framed under the Amendment Act. I have some doubts only regarding amendment No. 6. I shall further examine the matter, and if this cannot be provided for under the rules, directions will be issued that action may be taken in conformity with the object of this amendment. I think that in view of these assurances my friend will be in a position to withdraw his amendments.

Mr. A. F. STARK: Sir, in view of the Hon'ble Minister's assurance, I ask leave of the House to withdraw these amendments.

The amendments were then, by leave of the House, withdrawn.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Water-Hyacinth (Amendment) Bill, 1940, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Khwaja Sir Nazimuddin): Sir, I beg to move that the Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941, be taken into consideration.

The motion was put and agreed to.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2, in line 5 of the proposed proviso to sub-section (*1*) of section 4 of the Act, for the words "seven years" the words "five years" be substituted.

In the case of men on active service this rule won't apply. But when no active service is required, there is no reason why these people should be asked to remain for seven years. I think "five years" is enough.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, we want to utilise these officers to the fullest extent. Therefore, we have suggested seven years. Sir, I oppose the amendment.

The motion of Mr. Md. Abul Fazl that in clause 2, in line 5 of the proposed proviso to sub-section (*1*) of section 4 of the Act, for the words "seven years" the words "five years" be substituted was then put and lost.

The question that clauses 1 and 2 and the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941, as settled in the Assembly be passed.

Mr. SASANKA SEKHAR SANYAL: Sir, we want to oppose the third reading.

Mr. SPEAKER: Yes.

Mr. SASANKA SEKHAR SANYAL: Sir, I beg to oppose the passage of this Bill, and we oppose on grounds of principle. The Statement of Objects and Reasons is rather misleading and it does not

indicate the real intention of the proposed amendment. Mr. Speaker, Sir, the period has been extended certainly to give an additional advantage to persons in service. The period is being extended only to make it obligatory for those persons in service to serve for some time more, that is to say, it is clearly a war purpose which prompted the home Government to bring forward the amendment now before us. On previous occasions, we have definitely made our position clear. We are not for supporting any step or measure on the part of the Government which is calculated either directly or indirectly to further the war aims of Great Britain and its henchmen here. So, on grounds of principle on behalf of the Opposition, we want to have our dissent recorded in the matter of the passage of this Bill.

Mr. NIHARENDU DUTTA MAZUMDAR: I wish to speak a few wards opposing the passage of this Bill.

Mr. SYED JALALUDDIN HASHEMY: We on this side of the House also want to speak.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, it would not be out of place to remind the House that this House was called upon only very recently to congratulate the Indian soldiers——

Mr. SPEAKER: I have allowed the Opposition an opportunity to explain their position in such a manner as they should explain, and to enter their record of protest. Strictly speaking, the question of war purpose is an issue which cannot be discussed. I hope you will confine yourself to the merits of this Bill. You cannot go into other things.

Mr. NIHARENDU DUTTA MAZUMDAR: I have made this reference to Indian soldiers because I feel that is a very important and relevant point in connection with this Bill. Sir, it has been recognised that Indian soldiers have very good stuff in them.

Mr. SPEAKER: Eastern Frontier Rifles has nothing to do with Indian soldiers.

Mr. NIHARENDU DUTTA MAZUMDAR: It will be presently clear, Sir, as to what bearing these preliminary observations of mine have on the Bill.

Mr. SPEAKER: Please tell me how it is relevant, the reference to Indian soldiers.

Mr. NIHARENDU DUTTA MAZUMDAR: We find that under the old provisions of the Act a person enrolled as a rifleman in the force can take his discharge after three years if he so desires, provided he is not on active service. It takes two years for a man to be trained as a rifleman, and if he takes his discharge after the third year, Government have the use of his services only for one year. That is, Sir, what has been stated in the Statement of Objects and Reasons as warranting this amending Bill, with a view to increase the period to seven years. And then, Sir, that is urged as a special purpose justifying this Bill so that Government might get a longer period of service from each entrant into the force. Now I would ask through you, Sir, as to what would be the effects of this provision. In the first place, there would be a smaller number of entrants into the force who would get the training as riflemen. The Government of Bengal has not got any means in its command to provide opportunities for military training to our young men in this country——

Mr. SPEAKER: I am sorry, I cannot allow it, because the military training has got nothing to do with the subject matter under discussion. The Opposition is certainly always entitled to have their say and in developing their arguments they can make a passing reference to other things, but they are certainly not entitled to develop that point.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, in my opposition I may be allowed to develop the point as to why I am opposing the Bill.

Mr. SPEAKER: But you must confine yourself to the Bill

Mr. NIHARENDU DUTTA MAZUMDAR: Here, on the question of merits of the Bill, Government propose the period of service to be increased from three to seven years; therefore, they strictly force every entrant to remain in the service for that period whether he likes it or not. Sir, here there is an extension of compulsory measure, there is an extension of the period during which he should be compelled to remain in service. I for one would rather welcome that more people join the service for getting the training and serve the Government for three years and when they are out of service, more people would get into the force and would get whatever little training the force can offer. In these days, Sir, I believe that even the meagre training that the Eastern Frontier Rifles would provide to men would be of some value. Therefore, by increasing this period, Government are restricting the scope of more and more men getting trained in this force of the Eastern Frontier Rifles.

Then, Sir, I suggest that to-day general tendency in all legislation and the general principle that has been accepted is that persons contracting service should be as far as possible free to contract service and free to leave service whenever they choose. From that point of view also, may I ask, what is the good of binding a particular person for a period of seven years? Once for any reasons he may like to join the force, he may take the training and may serve the Government, and under the present conditions he may leave service after a period of three years, for ahead of him there might be greater prospects of life, and he might get other avocations and devote himself to other occupations he might choose. But, Sir, as a rule people of only tender age would be joining this force for training and service and after three years of training and service they would be free to leave the service and choose other avocations, but by this particular provision you are compelling them, by extending the period of compulsory labour and service in the force, to live a life of imprisonment in the force by making it seven years instead of three. I do not see what the people would gain thereby. I do not see what is the necessity of extending this period in this fashion. If it had been contended that there was such shortage of men in the province to-day that it was necessary to extract a greater number of years of service from each particular individual in the force, in that case it might have been so pleaded. But there is no dearth of men. As a matter of fact, there are enough men who want to take advantages in the direction of training and in the direction of service. Only some time ago for other purposes it had been provided that people should retire earlier after having put in a number of years of service. Now, you want earlier retirement of those people, but in this force which all along required not more than three years of service, why compel its members to remain in service for seven years and take away their liberty of retiring on the expiry of three years of service as before? That, Sir, is certainly not a progressive measure, but a definite retrogression, and therefore I take strong exception to this. I would ask the honourable members to consider these points also before they actually make up their mind to vote one way or other.

Then, Sir, one point about which my observation seemed to call forth your objection should not, I think, be omitted. To-day this question of Eastern Frontier Rifles and whatever other forces might be created is assuming greater and ever greater importance. We have seen in recent months that new forces are being created such as Civic Guards and other things. I ask—What harm is there if the older hands in the Eastern Frontier Rifles are allowed to retire and new men are allowed to come in? And that question has not been explained or answered by the Government. Before Government can expect this House to vote this measure, they must give a plausible explanation as

to why they want to do so. The ground of economy is no ground at all. Proportionately with the curtailment of the number of men joining and leaving the forces earlier, you do not get any economic advantages to-day by this measure. Only I think, in the present day, what is normally the function of the Eastern Frontier Rifles might be changed and different kind of function might have to be undertaken by the same force. Such function might not be palatable to those who are in the force to-day. Under certain terms and conditions they have joined the service, and now that there is likelihood of different kinds of functions being imposed on them with greater restriction upon their liberty, which may not suit them, they should be free to leave the force and they should be free to take up other occupations. But by this provision you will be imposing a curtailment of that freedom on those people. I think the honourable members would pause for a moment before they adopt this measure—once you join the force you cannot leave it before the expiry of a period of seven years, and by this they are taking upon themselves a very great responsibility indeed. I think, Sir, in the present circumstances this House will not be justified to adopt this measure.

In conclusion, I must reiterate my arguments that this Government has no means of giving us an opportunity of training of the kind, and therefore should see that the little avenues that are there are kept open for a greater and greater number of people for getting the advantage of this training, but this Government is even proposing by this measure to withdraw that opportunity.

With this observation I strongly oppose the passage of this Bill. I appeal to the honourable members of the House to turn it down so that after maturer deliberation a Bill of a more comprehensive nature, a Bill better thought out, might be introduced in the House which would be acceptable to all sections of the House.

The motion of the Hon'ble Mr. Mukunda Behary Mulick that the Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941, as settled in the Assembly, be passed was then put and a division taken with the folowing result :—

AYES—106.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdul Motaleb Malik, Dr.
Abdus Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.

Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amiruddin, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anisad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs. M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miles, Mr. C. W.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Stark, Mr. A. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabent.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.

NOES—35.

Abdul Jabbar Pelwan, Mr. Md.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Aimuddin Ahmed, Mr.
Banerji, Mr. Satya Priya.
Barman, Babu Shyama Prosad.
Bhowmik, Dr. Gobinda Chandra.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Jalaluddin Hashemy, Mr. Syed.
Jogesh Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Wahiur Rahman, Maulvi.

The Ayes being 106 and the Noes 35, the motion was carried.

The Bengal Rural Poor and Unemployed Relief (Amendment) Bill, 1940, as passed by the Bengal Legislative Council.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the Bengal Rural Poor and Unemployed Relief (Amendment) Bill, 1940, as passed by the Bengal Legislative Council, be taken into consideration.

The motion was then put and agreed to.

Clauses 1, 2 and 3.

The question that clauses 1, 2 and 3 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the Bengal Rural Poor and Unemployed Relief (Amendment) Bill, 1940, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Bengal Touts Bill, 1937.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the Bengal Touts Bill, 1937, as reported by the Select Committee, be taken into consideration.

The motion was then put and agreed to.

Clauses 1, 2, 3, 4 and 5.

The question that clauses 1, 2, 3, 4 and 5 stand part of the Bill was then put and agreed to.

Clauses 6 to 11

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 6, in line 2 of the proposed new section 31A(3) of the Legal Practitioners Act, 1879, for the words "for approval" the words "for obtaining approval of the Provincial Legislature" be substituted.

I also beg to move that in clause 9, in line 2 of the proposed new section 80G(2) of the Indian Registration Act, 1908, for the words "for approval" the words "for obtaining approval of the Provincial Legislature" be substituted.

This is an old question of principle which has been raised many a time in this House. Here it has been provided that "all rules made under this section shall be submitted to the Provincial Government for approval and after they have been approved, they shall be published in the *Official Gazette* and on publication shall have the effect as if enacted in this Act." Provision has not been made for the public to say anything in regard to those rules.

Mr. SPEAKER: That is under the General Clauses Act.

Mr. MD. ABUL FAZL: Still if they become law or have the force of law, people should be given an opportunity to raise any objections if they so desire.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I oppose both the amendments. So far as the provisions are concerned, they have been put down by the Select Committee. When the rules are framed, they will be published and before they are given effect to people will be given an opportunity if they have got any grievances to bring them to the notice of the Government. The rules will only be given effect to after the objections have been taken into consideration.

The motions of Mr. Md. Abul Fazl that in clause 6, in line 2 of the proposed new section 31A(3) of the Legal Practitioners Act, 1879, for the words "for approval" the words "for obtaining approval of the Provincial Legislature" be substituted, and that in clause 9, in line 2 of the proposed new section 80(c2) of the Indian Registration Act, 1908, for the words "for approval" the words "for obtaining approval of the Provincial Legislature" be substituted, were then put and lost.

The question that clauses 6, 7, 8, 9, 10 and 11 stand part of the Bill, was then put and agreed to.

Clauses 12 to 19.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 12, in line 1 of the proposed new section 31A(3)(b)(ii) of the Workmen's Compensation Act, 1923, after the words "or a" the words "*bonâ fide*" be inserted.

Sir, sometimes witnesses are brought up who are really not witnesses; they are touts in the garb of witnesses. I move this amendment in order to provide against such practices.

Mr. SPEAKER: How can law prevent such practices?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: My only answer is that a witness is a witness. Sir, I oppose the amendment.

The motion of Mr. Md. Abul Fazl that in clause 12, in line 1 of the proposed new section 31A(*3*)(*b*)(*ii*) of the Workmen's Compensation Act, 1923, after the words "or a" the words "*bonâ fide*" be inserted, was then put and lost.

The question that clauses 12, 13, 14, 15, 16, 17, 18 and 19 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the Bengal Touts Bill, 1937, as settled in the Assembly, be passed.

The motion was put and agreed to.

The Bengal Pure Food Bill, 1940.

The Hon'ble Mr. TAMIZUDDIN KHAN (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Sir, I beg to move that the Bengal Pure Food Bill, 1940, be referred to a Select Committee consisting of—

(1) Maulvi Mohammad Abdul Hakim Vikrampuri,

(2) Maulvi Md. Abdur Rasheed,

(3) Maulvi Muhammad Ibrahim,

(4) Maulvi Maniruddin Akhand,

(5) Mr. Syed Sahabe Alum,

(6) Maulvi Hafizuddin Choudhuri,

(7) Maulvi Mafizuddin Choudhury,

(8) Mr. M. Farhad Raza Chowdhury,

(9) Babu Debendra Nath Dass,

(10) Rai Kshirod Chandra Roy Bahadur,

(11) Mr. G. Morgan, C.I.E.,

(12) Mr I. A. Clark,

(13) Mr. Amrita Lal Mandal, and

(14) the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, the Minister-in-charge of the Public Health and Local Self-Government Department,

with instructions to submit their report by the 31st July, 1941, the number of members forming the quorum being five.

Sir, I do not like to make any speech in support of my motion, because the Hon'ble Nawab Bahadur of Dacca has already circulated a note setting forth the main provisions of the Bill. I would only refer to the fact that this Bill was circulated for eliciting public opinion on a motion accepted by the House on the 18th September, 1940. A large volume of public opinion has been received, and the majority of that opinion is in favour of this Bill. It will be for the Select Committee to consider this opinion in detail. I hope that the House will accept my motion for reference to the Select Committee.

Mr. ADWAITA KUMAR MAJI: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting further opinion thereon.

Mr. Speaker, Sir, মাননীয় মন্ত্রী মহাশয় বলেছেন জনসাধারণের মত নেওয়া হোয়েছে সেই জন্য তিনি এই Billটি Select Committeeতে দিতে চান। আমার মনে হয় Select Committeeতে এই Billটি দিয়ে বেশী অর্থ ব্যয় না করে, জনসাধারণের মত নেওয়া উচিত। কারণ জনসাধারণের স্বাস্থ্য রক্ষা করবার জন্য যে ব্যবস্থা আছে, এবং পুনরায় যে আইন লিপি প্রনয়ণ করা হইতেছে সে বিষয়ে জনসাধারণের যথেষ্ট অভিমত থাকা দরকার। আর বর্ত্তমানে যে সমস্ত Sanitary Inspector, Assistant Sanitary Inspector এবং Health-Officer প্রভৃতি কার্য্যে নিযুক্ত আছেন ভেজাল দ্রব্য check করবার জন্য, কিন্তু, দেখা যায় তাদের কার্য্যের দ্বারা ভেজাল কমার পরিবর্ত্তে ভেজাল বেড়েই যাচ্ছে। এই জন্য জনসাধারণের স্বাস্থ্য ক্ষতিগ্রস্ত হোচ্ছে। কাজেই আমি মনে করি এই Billটি জনসাধারণের মত সংগ্রহের জন্য circulate করা হোক।

Mr. SASANKA SEKHAR SANYAL: Sir, I have to offer a few observations on this Bill which certainly is a welcome measure, but which at the same time falls far short of the anticipations made by the people at large. Sir, from the Statement of Objects and Reasons, as embodied in the printed Bill itself, at first sight it would appear that the previous Bill has been dropped and an entirely new Bill has been framed. But, Sir, it is not so. On a scrutiny of the Bill, you will find that barring a few additions the original Bill stands as it is with its drawbacks, defects which I think led to the breakdown of the inherent possibilities of the old law itself. Sir, in the new Bill a provision for the registration of certain manufacturing houses has been introduced. In the new Bill a provision for selling cooked articles in covered containers has been introduced. In the new Bill also a complete departure has been made in that an attempt has been made to embrace the live-stock and diseased live-stock has been brought under certain scrutiny and certain forbidding measures. But I submit, Sir, that notwithstanding these welcome additions to the old Bill, the inherent difficulties there remain. You know, Sir, that section 15 of the old Act is the

principal reason why the Health Department of every district fail to achieve the results permissible within the framework of the old A itself. Under section 15 of the old Act no prosecution for any offen under this Act shall be instituted without the order of consent in writin of the local authorities within whose jurisdiction the offence is con mitted. We all know that this discretion given to the district boa has been the cause of many an unhealthy discrimination in the matt of sanctioning prosecutions against delinquents. You know, Sir, th the district board chairmen and vice-chairmen are all electe functionaries, and they have got to look to their anchorage, namel the voters at large. For example, a merchant having a big stake i society is a potential support for district board members and distric board chairman or vice-chairman and, if on a particular analysis of particular specimen, it is found that there is some adulteration, he wi at once run to the executive of the district board and either through promise of a tube-well here or the construction of a sceptic latrin there, he will try to induce the district board authorities not to laun the prosecution or to withdraw the prosecution, if launched. Yo know, Sir, that many cases in which the public analyst has report adulteration have been shelved by district board authorities, becau of these unhealthy influences that are brought to bear upon the distric board executive. Here to-day in the present Bill which seeks to mak a departure from the defects and failures of the older Bill you find tha under clause 29 the institution of a prosecution has been made con tingent upon the sanction of the district board or local board authorities I submit the time has come when we ought to take away this discretion And since the delinquent in the matter of food adulteration is a offender against public health, and I submit there cannot be a mor sacred cause than that of public health, if the public analyst report that an examination shows some sort of adulteration, there should b no option left to anybody in the matter of the institution of a prose cution. Once a man is found by a chemical examiner to be a delinquen within the meaning of the Act, prosecution should automatically forth with follow, and he must be made to answer the charges and, i convicted, must be subjected to the process of penalty provided by th law. Sir, my apprehensions will be borne out by many a member o this House. I know that there are at least some here who are als adorning the benches of district board, and my appeal goes forth t them. I hope they will all bear me out that as soon as there is a repor of the public analyst against a certain merchant, the better the positio of the merchant concerned, the quicker and more pressing the *tadbi* made on his part, and the district board executives are embarrasse between their two duties: there is the duty of placing public health o the forefront and there is the duty of their allegiance to the ultimat voter who can make or unmake or at least to some extent can con tribute to the making or unmaking of the seats which they are no

adorning. Therefore, I think this House ought to be unanimous in giving a sort of a mandate to the Minister concerned that whatever may have been the position in the past, to-day no discretion should be left to the district board or local board authorities.

Then, Sir, there are certain other points. I am making these observations, because for certain reasons we are not going to join the Select Committee, so that the Select Committee may in its wisdom consider these points. The old Act could not achieve the desired result because of another thing which is very important In the Schedule appended to the previous Act there is a long list of functions and penalties, and penalties for the first offence and penalties for subsequent offences. And you will be surprised to see that all over Bengal there is a great deal of difference between the method and manner of approach to all these things by different Magistrates In a very serious case a particular offender of influence is let off with a fine of Rs. 5 or Rs 6 or Rs. 10 as if he is a juvenile offender. An offender of exalted position, even for his second offence, is leniently dealt with, and while there were other reasons previously for that, to-day the reasons are more potent. A delinquent merchant with some resources runs to the Subdivisional Magistrate and offers some money to the War Fund, and as a result in a case in which he ought to have been let off with no less than a fine of Rs. 500, he would spend Rs 50 as contribution to the War Fund—the Magistrate would let him off with a fine of Rs. 5 or Rs. 6 or Rs. 10. That is how a discrimination is made. And this discrimination is all the more rampant in view of the fact that invariably these cases are dealt with by Subordinate Magistrates who under a Government circular have got to show that a minimum number of cases have been done by them: they have no time to deal with intricate penal law cases, and they therefore make up the requisite number by disposing of Act V cases and Food Adulteration Act cases: and they being the persons who also receive contributions to the War Fund, a sort of unholy compromise has become the order of the day. Therefore, the Ministry concerned should issue instructions to the Magistrates that these things should not be viewed with leniency or equanimity. It is better to have a thief let off and it is better to have a criminal offender acquitted and let off leniently, but for a merchant or trader who offends against public health, the strictest vigilance of law and the executive should be there, and before I resume my seat I will appeal to the Minister concerned to consider the question of the hotels all over Bengal which are outside the purview both of the previous Act and of this proposed new legislative measure. I find with some sort of satisfaction that cooked articles of food will be subjected to scrutiny but then, Sir, the numerous hotels of Calcutta, for example, who are accommodating several thousands of our people every day including the Legislative luminaries of this province——

Mr. SPEAKER: Even though they supply bad food to the members of this Legislature I have never noticed any signs of indigestion in them. (Laughter.)

Mr. SASANKA SEKHAR SANYAL: Even here in this House under the supervision presumably of the Speaker himself there are two hotels run on the first floor; their cooking may be good, the food supplied may be good, but there is room for a great deal of improvement to be effected in the manner of their service; the hygienic conditions are not properly observed. And if that is possible even under the very nose of the Speaker's own vigilance, you can well imagine the condition of the hotels outside.

Mr. SPEAKER: It is quite possible.

Mr. SASANKA SEKHAR SANYAL: If you go to any hotel in Calcutta, and I would invite my friend the Mayor of Calcutta to any of them, you will realise the conditions prevailing there. The Calcutta Municipal Act gives him ample power to deal with these hotels, but there is no power at present to deal with the kitchen itself, and these hotels are supplying food to thousands and thousands of people every day. These kitchens are beyond the purview of any supervision or control. There is nothing to prevent these greedy hotelwallas from getting the worst stuff from the market and preparing food with the help of the worst materials and thereby carrying on an unguarded process of slow poisoning from day to day and therefore, regard being had to the seriousness of the whole question, I appeal to the Hon'ble Minister concerned and to the House to recast the Bill entirely so that instead of being a mere extension of the previous Act, it will turn out to be a Pure Food Bill which will ensure for the safety of health of the numerous people.

There is one more matter, Sir, and I have finished. In one of the sections provision has been made in clause 26 for authorising entry into premises for the purpose of inspection and seizure of food. I submit this will certainly give rise to various difficulties, and I do not want so drastic a measure——

Mr. SPEAKER: More drastic measure? You want to give more power to the executive!

Mr. SASANKA SEKHAR SANYAL: Sir, I want a more drastic measure so far as the hotels, restaurants and stalls are concerned, but I will be the last man to give more power to the executive by which under the plea of really carrying on public health work they will disturb the privacy of private houses, and they will use it as an engine of oppression rather than as an aid to justice in the cause of public health.

These are matters worth considering, Sir, and I desire to convey to the Hon'ble Minister that we on this side of the House welcome the speedy passage of a Bill like this and, if possible, of a better Bill than this, and I hope you will not be satisfied merely with having this Bill as an enlargement of the previous Bill. I will appeal to him to consult health experts all over Bengal and to mobilise the expert opinion of those persons who deal with public health and to set on foot a legislative measure which will be deterrent against public adulteration of various sorts and which will place the health of the province on a safer and better basis, a thing which we all so seriously desire.

Mr. I. A. CLARK: Mr. Speaker, Sir, on behalf of my somewhat attenuated party I rise to support the motion that this Bill be referred to a Select Committee and to oppose the motion that it should be circulated.

In supporting the motion that the Bill should be referred to a Select Committee, of which you have observed I am a member, I can assure you, Sir, and also the House, that, alluring though the prospect of a visit to Darjeeling might be, at the same time that has had no influence whatever upon my remarks.

With regard to the question of circulation, I think the Hon'ble Minister rather understated the case when he said that the *majority* of the opinions of public bodies were in favour of the principle of the Bill. I spent as much time as I could going through the opinions and I have not yet come across one which was against the principle of the Bill. I think, therefore, Sir, that it would be an entire waste of time to recirculate it.

Sir, I have listened with very great interest to the able and interesting speech of my honourable friend Mr. Sanyal. I do not know—although I may be able to guess—the reasons why he is unable to serve on the Select Committee; but I can only express my profound regret that he is unable to do so, because he seems to have a grasp not only of the principles but also the details of this Bill, which I am quite sure I will never be able to have.

I support the motion for reference to a Select Committee.

The motion of Mr. Adwaita Kumar Maji that the Bengal Pure Food Bill, 1940, be recirculated for the purpose of eliciting further opinion thereon, was then put and lost.

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Pure Food Bill, 1940, be referred to a Select Committee consisting of—

(1) Maulvi Mohammad Abdul Hakim Vikrampuri,

(2) Maulvi Md. Abdur Rasheed,

(3) Maulvi Muhammad Ibrahim,

(4) Maulvi Maniruddin Akhand,

(5) Mr. Syed Sahabe Alum,

(6) Maulvi Hafizuddin Choudhuri,

(7) Maulvi Mafizuddin Choudhury,

(8) Mr. M. Farhad Raza Chowdhury,

(9) Babu Debendra Nath Dass,

(10) Rai Kshirod Chandra Roy Bahadur,

(11) Mr. G. Morgan, C.I.E.,

(12) Mr. I. A. Clark,

(13) Mr. Amrita Lal Mandal, and

(14) the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department,

with instructions to submit their report by the 31st July, 1941, the number of members forming the quorum being five, was then put and agreed to.

Mr. SPEAKER: There is no other business for to-morrow except only one matter, namely, the Privileges Bill. I want to have a discussion about it with the Government to-morrow, and I hope to come to a conclusion so that the matter may be disposed of in five minutes the next day.

There is just one matter before I close. I have been requested to inform you that there is an A. R. P. film demonstration at the "Light House" at 11 a.m. to-morrow, to which you have been invited to attend. I have been asked to draw your attention in view of the importance of the subject. I would desire that not only you yourself see that but you speak to others to attend the function.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, with reference to the statement I made in the House this evening, Government will have no objection——

Mr. SASANKA SEKHAR SANYAL: In connection with the adjournment motion?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes. As I was saying, Sir, Government will have no objection to these statements being published without any comment simply as a statement of fact.

Adjournment.

The House was adjourned at 7-45 p.m. till 4-45 p.m. on Wednesday, the 9th April, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 9th April, 1941, at 4-45 p.m.

Present.

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 8 Hon'ble Ministers and 204 members.

STARRED QUESTIONS

(to which oral answers were given)

Construction of roads from Road Board Fund.

*220. **Khan Bahadur AULAD HOSSAIN KHAN:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(i) names of the districts where nothing has yet been spent from Road Board Fund; and

(ii) names of roads which have been sanctioned by Road Boards showing, separately,—

(1) which are in progress,

(2) which are likely to be taken up in near future, and

(3) which are not likely to be taken up at all?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (i) Bankura, Khulna, Faridpur, Bakarganj, Rajshahi, Rangpur, Bogra and Malda districts.

(ii) (1) A list is laid on the Library table.

(2) A list of roads, which have been approved by the Provincial Board of Communications and which will be taken up when our present programme in nearer completion is laid on the Library table.

(3) There are no such projects.

Removal of disqualification of Maulvi Abdul Gaffur for election or appointment as member of a Union Board.

*221. **Babu NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that one Abdul Gaffur Khan, President of a Union Board in the Madaripur subdivision of the Faridpur district, was convicted in the Binapani abduction case; and

(*ii*) that he was released in October, 1940?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when the disqualifications for voting for membership of local bodies were removed; and

(*ii*) the date when he was appointed to a Union Board after his release?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) Yes. The name of the President is Abdul Gofur Kotwal and not Abdul Gaffur Khan.

(*ii*) He was released on the 30th September, 1938.

(*b*) (*i*) On the 4th July, 1939.

(*ii*) The 27th January, 1941.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the special qualifications of that gentleman which led Government to appoint him?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: According to our opinion, he was a suitable candidate to be appointed to the Union Board.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what was the reason of taking that gentleman to be a suitable candidate who committed the crime of abduction?

Mr. SPEAKER: That is a matter of opinion. The facts are there and you can judge them.

Mr. ATUL KRISHNA GHOSE: The Hon'ble Minister says that he is a suitable candidate in spite of his previous conviction.

Mr. SPEAKER: You can ask him.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state if it is a fact that there was a previous conviction on the ground of abduction standing against him?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already answered that.

Mr. ATUL KRISHNA GHOSE: Since there was that previous conviction, will the Hon'ble Minister be pleased to state what led the Government to appoint him?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: After he was convicted, certain other facts were placed before Government, and they felt that though the person had been convicted by law he would have been released if those other facts had been placed before the court of law.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what are the facts which led the Government to come to a decision that the disability should be removed.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state, in view of the reply given by him what were the particular facts by virtue of which the Government appointed him?

Mr. SPEAKER: He has said that he wants notice.

Mr. ATUL KRISHNA GHOSE: This is nothing but avoiding a reply. The man was previously convicted of a crime and yet the Hon'ble Minister says that he is a suitable person because of certain facts which were placed before Government. I would like to know what are those subsequent facts.

Mr. SPEAKER: He has said that he wants notice.

Abolition of Local Boards in Jessore and delimitation of constituencies of the Jessore District Board.

*222. **Mr. SERAJUL ISLAM:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(a) when the Local Boards of Jessore district will be abolished in pursuance of Government notification;

(b) when the delimitation of constituencies of the said district for direct election to the District Board is likely to commence;

(c) how many elected seats the Government propose to create in the district; and

(d) when the direct election is likely to take place?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) With effect from the 30th September, 1941.

(b) to (d) Steps will be taken to delimit the constituencies and to fix the number of elected and appointed seats on the District Board in due time so as to enable the next general election of the Board being held before the expiry of its present term in December, 1942.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what time will be given to the people by way of information before they actually take up the delimitation?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The information is given by the District Magistrate, and I could not say what time will be given.

Mr. ATUL KRISHNA GHOSE: Is not the District Magistrate guided by the Government of Bengal to fix up the time?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: There are certain rules by which the District Magistrates are guided.

Expenditure incurred on account of treatment of smallpox patients in the Campbell Hospital.

*223. **Maulvi ABDUL HAKEEM:** (a) Will the Hon'ble Minister in charge of the Public Health Department be pleased to state—

(i) the number of smallpox patients that have been accommodated in the Campbell Hospital (Calcutta) in the year 1940;

(*ii*) the total amount placed at the disposal of the Superintendent for the treatment of smallpox patients in the hospital in the said year; and

(*iii*) the total expenditure incurred during the year for smallpox patients?

(*b*) Are the Government considering the desirability of placing more money for the treatment of smallpox patients in the hospital?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) 593.

(*ii*) For the treatment of smallpox patients only, no separate amount is placed at the disposal of the Superintendent.

(*iii*) No separate accounts are maintained; so the total expenditure for only smallpox patients cannot be calculated.

(*b*) During epidemics, all moneys that are required are allotted for the treatment of smallpox patients.

Mental Hospital at Ranchi.

*224. **Mr. TARAKNATH MUKERJEA:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) what is the amount of annual contribution which is paid by the Government of Bengal for the Mental Hospital at Kanke in Ranchi;

(*b*) what is the average annual cost per head for each patient in—

(1) European Ward,

(2) Indian Ward, Male Section, and

(3) Indian Ward, Female Section; and

(*c*) how many patients from Bengal were treated in the European and Indian Sections respectively, during the years 1938-39 and 1939-40?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The amount of contribution paid annually to the two mental hospitals at Ranchi, viz., the European Mental Hospital and the Indian Mental Hospital, is not a fixed sum. In the case of the European Hospital it is calculated on the number of patients from Bengal and the number of days spent by them in the hospital. In respect of the Indian Hospital the contribution represents three-fourths of the net expenditure of the hospital, three-fourths of the total accommodation

for patients in the institution being reserved for patients from Bengal. The amounts actually paid to these two institutions for the last 3 years are shown below:—

	European Mental Hospital.	Indian Mental Hospital.
	Rs.	Rs.
1939-40 ...	2,17,394	3,39,650
1938-39 ...	1,91,871	3,28,097
1937-38 ...	1,85,511	3,43,684

		Rs.
(b) European Hospital	... ...	1,573
Indian Hospital—		
Male Section Female Section	...	301

Average annual cost in 1939.

(c) The average number of Bengal patients treated in the two hospitals during 1938-39 and 1939-40, is as shown below—

	1938-39.	1939-40.
European Hospital ..	200	184
Indian Hospital ..	1,020	1,021

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state, with reference to answer (b), what is the reason for this distinction in respect of the cost per head per patient. It is said here that the cost of the European patient is Rs. 1,573 and that of the Indian patient only Rs. 301, which is one-fifth of the cost of the European patient.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It is due to the standard of living.

Mr. SASANKA SEKHAR SANYAL: What is the allotment for Ministers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: You had better find that out for yourself.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to give us some idea of the standard of living of Europeans and Indians so far as the hospital patients are concerned?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The amount that is given here is for food and other things which are supplied in the hospital.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state how the Government ascertained the European standard of living and the Indian standard of living respectively?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The standard of living is the standard to which they are accustomed.

Deputation of I.M.D. Officers, Sub-Assistant Surgeons, I.M.S. Officers and Assistant Surgeons for Military Service.

***225. Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to state—

(*i*) how many—

(1) I.M.D.'s,

(2) Sub-Assistant Surgeons,

(3) I.M.S., and

(4) Assistant Surgeons

were in the employ of the Bengal Government at the time of the declaration of the present war; and

(*ii*) the number of them (to be shown separately) that have since been sent for military service—

(1) outside Bengal,

(2) in Bengal, and

(3) Overseas?

(*b*) Is it a fact that I.M.S. and I M D. officers are required to go anywhere for military service under the terms of their employment?

(*c*) Will the Hon'ble Minister be pleased to state whether the officers of the Provincial Medical Service (Senior and Junior) are also required to go overseas for military service under the terms of their employment?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:

(*a*) (*i*) (1) I.M.D. officers	...	...	12
(2) Sub-Assistant Surgeons	...	...	252
(3) I.M.S. officers.	...	...	34
(4) Assistant Surgeons	...	...	171

(*ii*) One I.M.D. officer, 55 Sub-Assistant Surgeons and 10 I.M.S. officers have been sent on military duty. Six Assistant Surgeons volunteered for and were allowed to join military duty. Two I.M.S. officers were first ordered to join military duty in Bengal and all other officers were posted outside Bengal. It is not known where the above officers are posted at present.

(*b*) Yes.

(*c*) Except in the case of Sub-Assistant Surgeons of less than 10 years' service, officers of the Bengal Medical Service (upper and lower) are not required under the terms of their employment to go overseas for military service.

Separate beds for European patients in State and State-aided hospitals.

***226. Maulvi M. MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to state whether there are separate wards or beds for European patients attached to every hospital in the Province either managed or aided by Government?

(*b*) If so, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Will the Hon'ble Minister be pleased to state whether better diets, better clothing, better nursing, etc., are provided for in wards for the European patients than those for Indian patients?

(*d*) If so, will the Hon'ble Minister be pleased to state the reasons thereof?

(*e*) Will the Hon'ble Minister be pleased to state what exactly is meant by "European patients" as distinguished from Indian patients?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: A statement is laid on the Library table.

Mr. SYED JALALUDDIN HASHEMY: Sir, the statement does not say the reason. My supplementary question is—Will the Hon'ble Minister be pleased to state, with reference to question (*b*), the reason why there is this distinction between Indian and European patients in the hospital?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware, there was formerly a distinction between Indian and European patients, but now these are simply called European wards and Indian wards, the European wards being better furnished. But Indian patients can also avail themselves of the benefits of European wards by paying a higher charge.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he considers the desirability of doing away with this invidious distinction between European and Indian patients in the hospital in view of there being a strong feeling against this invidious distinction?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, there are two types of cabins, one which an Indian patient can occupy by paying a smaller charge and the other which is called a European cabin and for which a higher rate of fee is charged and an Indian patient who is prepared to pay for a European cabin can have it.

Mr. SYED JALALUDDIN HASHEMY: Sir, the Hon'ble Minister has referred to cabins, but I am speaking about the general wards. There is an Indian general ward and a European general ward and my question relates to these general wards.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I admit that there were such institutions before as European wards and Indian wards, but now in actual practice there is no such distinction except in regard to names; one of them is of a higher standard than the other.

Mr. SASANKA SEKHAR SANYAL: In view of the Hon'ble Minister's last reply, will he consider the desirability of removing the distinction in the nomenclature of "European" and "Indian"?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I shall look into that.

Dissection of dead bodies in medical schools and colleges.

***227. Sj. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(*i*) that only Hindu dead bodies are subjected to dissection in Medical Schools and Colleges;

(*ii*) that unclaimed dead bodies of Muslims and Christians are handed over to their respective organisations for burial; and

(*iii*) that Hindu dead bodies are not handed over to Hindu Satkar Samity in Calcutta for cremation?

(*b*) Is the Hon'ble Minister aware that touch by non-Hindus of Hindu dead bodies is considered sacrilegious by the Hindus?

(*c*) Is it a fact that the Hindus objected to dead bodies of Hindus being subjected to dissection by Muslims, Christians and other non-Hindus?

(*d*) Is the Hon'ble Minister aware that in answer to starred question No. 314 of the 28th September, 1937, the Government promised to hold a conference to settle this matter?

(*e*) If so, will the Hon'ble Minister be pleased to state whether any such conference has since been held?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the decision arrived at in the conference?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The present position in regard to the disposal of unclaimed cadavers in State hospitals in respect of Muslims, Christians and Hindus, is being ascertained and a reply will be given as early as possible.

Sj. NARENDRA NATH DAS GUPTA: With reference to question (*d*), will the Hon'ble Minister be pleased to state whether a conference of the leaders of the different communities concerned was convened, as promised on the 28th September, 1937, by the then Hon'ble Minister in charge?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I must ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Sir, the notice was there in question (*d*), viz., "Is the Hon'ble Minister aware that in answer to starred question No. 314 of the 28th September, 1937, the Government promised to hold a conference to settle this matter?" How is it that the Hon'ble Minister did not give any answer to this question?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I can say this much that I have not done so.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that for all these years the Hindu public have been agitating on this question in Council and Assembly as well as in meetings and conferences with a view to remove this invidious distinction between Hindus and other sects?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I was not aware of the fact. Now that I am aware of the fact, Sir, I shall call a conference and come to a decision on the matter.

Posting of police forces in village Adampur, police-station Raina.

*228. **Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact—

(*i*) that some police forces have been posted in the village Adampur, police-station Raina, district Burdwan; and

(*ii*) that the zamindars of the said village forcibly took away a large number of cattle belonging to the agriculturists towards the Jamalpur police-station with the help and support of the police of Jamalpur thana?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what is the reason for posting police forces in the said village;

(*ii*) what are the activities of the police at that village;

(*iii*) who is bearing the expenses of the police;

(*iv*) how many villagers have been convicted; and

(*v*) what were the charges against them?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Yes.

(*ii*) No.

(*b*) (*i*) On account of the unrest in the neighbourhood.

(*ii*) They ensure that no breach of peace takes place.

(*iii*) Government.

(*iv*) and (*v*) The reference is not clear but it is presumed the honourable member is referring to the case which had been instituted under sections 147/353, Indian Penal Code (rioting and assault or use of criminal force to deter a public servant from the discharge of his duty), against certain villagers: none have been convicted.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*b*)(*i*), will the Hon'ble Minister be pleased to state the reason for the unrest in the neighbourhood?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The reason of unrest cannot always be ascertained.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*b*)(*iii*), will the Hon'ble Minister be pleased to state what is the cost——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Even without hearing me?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, I could anticipate the question.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state since when were armed police forces posted in the village of Adampur?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think about a month and a half ago.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what were the incidents, if any, which led to the posting of special police in Adampur village?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The incident referred to relates to the cases mentioned in answers (*iv*) and (*v*).

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the police were posted there before these prosecutions were launched or after these prosecutions had been launched?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think, before the prosecutions were launched.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what incident had taken place at Adampur before these prosecutions were launched?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am sorry, I cannot say without reference to the file which is not before me.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what was the actual nature of the case as referred to under sections 147, 353, Indian Penal Code?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is mentioned here, namely, rioting, assault or use of criminal force to deter a public servant from the discharge of his duty.

Mr. SASANKA SEKHAR SANYAL: In connection with what?

(No reply.)

Mr. ATUL KRISHNA GHOSE: In view of the fact that none has been convicted and in view also of the fact that the zemindars did not forcibly take away any cattle, what was the exact situation which compelled Government to post the police there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The case being *sub judice*, I am not prepared to express any opinion on these points.

Mr. SASANKA SEKHAR SANYAL: What was the actual nature of the work in connection with which the public servant was supposed to be entrusted?

Mr. SPEAKER: The case is *sub judice*.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what led the Government to spend money from its own pocket to post a force there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: To prevent a breach of the peace.

Honorary House Surgeons and Physicians attached to Government hospitals in Calcutta.

*229. **Maulvi MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that there are Honorary House Surgeons and Physicians attached to Government hospitals in Calcutta?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the present number of sanctioned posts of such Honorary House Surgeons and Physicians in Government hospitals in Calcutta;

(*ii*) the names of the present incumbents of such honorary posts;

(*iii*) the periods for which each of them has been serving in the hospitals; and

(*iv*) whether the retention of such honorary posts of House Surgeons and Physicians is for the efficient working of the hospitals?

(*c*) If the answer to (*b*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of making the posts remunerative?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes, only in the Calcutta Medical College Hospitals and the Campbell Hospital.

(*b*) (*i*) to (*iii*) A statement is land on the Library table.

(*iv*) Yes.

(*c*) Eight of the Honorary House Surgeons and Physicians of the Medical College Hospitals are paid honorarium at the rate of Rs.50 per mensem each. A proposal for grant of honorarium at the above rate to certain senior house staff attached to the several important departments of the Medical College Hospitals is also under my consideration.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Distribution of improved ploughs among cultivators.

94. Mr. MIRZA ABDUL HAFIZ: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if the Government are considering the desirability of distributing a good number of improved ploughs among the cultivators?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what steps the Government intend to follow in the matter; and

(*ii*) what amount, if any, the Government contemplate spending for the purpose in the year 1941-42?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes.

(*b*) (*i*) 440 semi-wooden ploughs (Dacca No. I) and 100 "C" type light all metal ploughs will be distributed among the cultivators this year.

(*ii*) Rs. 4,000.

Staff of the Medical College and Medical College Hospitals Office, Calcutta.

95. Khan Sahib HAMIDUDDIN AHMED: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing, separately, with respect to the—

(1) Medical College office; and

(2) Medical College Hospitals office—

(*i*) the number of clerks,

(*ii*) the number of them that are (A) Muslims and (B) Hindus,

(*iii*) the number of them that are (A) permanent, and (B) temporary, and

(*iv*) the length of service of each of the temporary hands?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: A statement is laid on the Library table.

Executive, clerical and menial appointments made in connection with A.R.P.

96. Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the total number of appointments either temporary or permanent in the—

(1) Executive,

(2) Clerical, and

(3) Menial

staff, in connection with Air Raid Precautions, made during the current financial year; and

(*b*) how many of them are—

(1) Hindus,

(2) Muslims, and

(3) Christians

in each of the said branches of service?

(To be shown separately.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 96.

	(a) Number of appointments— All temporary.	(b) Whether Hindu or Muslim or Christian, etc.
(1) Executive ..	1 C. M. O. ..	Muslim.
	1 Special M. O. (C. S.'s rank).	Hindu.
	8 Regional M. O.'s — Medical graduates.	2 Muslims. 6 Hindus.
(2) Clerical (in the A.R.P. Medical Stores at the Medical College Hospital).	1 Storekeeper ..	Hindu.
	1 Clerk-typist ..	Do.
	1 Compounder Assistant to the Storekeeper.	Do.
In the A. R. P. Controller's office under special M. O., A. R. P.	1 Clerk (deputed from the Surgeon-General's office on a temporary basis).	Hindu.
(3) Menials (in the A.R.P. Medical Stores, Medical College Hospital).	4 Packing coolies ..	3 Hindus. 1 Muslim.
	1 Durwan ..	Scheduled Caste.
In the A. R. P. Controller's office under the special M. O.	1 Peon ..	Hindu.

Grant to the Mainaguri Charitable Dispensary, Jalpaiguri.

97. Babu KHAGENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state with respect to Mainaguri Charitable Dispensary, district Jalpaiguri—

(*i*) total annual recurring grants received from different bodies in the years 1937-38, 1938-39, 1939-40;

(*ii*) total expenditure incurred in each of these three years;

(*iii*) whether there was any deficit in any of these years; and if so, how it was met;

(*iv*) total number of patients that received treatment in each of these years;

(*v*) whether there is any indoor bed in the Charitable Hospital; and

(*vi*) if not, how serious accident cases are treated especially in rainy season when communication with the Jalpaiguri town becomes difficult?

(*b*) Is the Hon'ble Minister considering the desirability of augmenting the recurring grants either from the Medical Fund at his disposal or from the Western Duars Market Fund or any other available Fund?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*), (*ii*) and (*iv*) A statement is laid on the table.

(*iii*) Yes, the deficit of Rs.188 and Rs.396 in the years 1937-38 and 1938-39 respectively were met from the opening balances pertaining to these years. There was no deficit in the year 1939-40.

(*v*) No.

(*vi*) The patients are given first aid and then removed to General Hospital, Jalpaiguri. If any emergency case arrives at night, emergency bed is provided during the night and the patient is removed to Jalpaiguri in the morning.

(*b*) Any proposal of the dispensary authority for increase of recurring grant from Government to the dispensary will receive my consideration.

Statement referred to in the reply to clauses (a)(i), (ii) and (iv) of unstarred question No. 97.

(*a*)(*i*) and (*ii*)—	1937-38.	1938-39.	1939-40.
(1) Government grant ..	Rs. 250	Rs. 250	Rs. 250
District Board ..	,, 540	,, 540	,, 540
Western Duars Market Fund ..	,, 600	,, 600	,, 600
Jotedars Fund ..	,, 100	,, 100	,, 100
Union Board ..	..	,, 60	,, 135
Interest on Investments	,, 105	,, 105	,, 105
(2) Total expenditure ..	,, 2,809	,, 3,031	,, 2,464
(*a*)(*iv*)—			
New	4,337	5,453	6,499
Old	7,744	11,814	13,972

Scales of pay of different grades of clerks in Medical College Hospitals office and Medical College office in Calcutta.

98. Khan Sahib HAMIDUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to state—

(*i*) the scales of pay of different grades of clerks in—

(1) Medical College Hospitals office, and

(2) Medical College office in Calcutta; and

(*ii*) the reasons for the difference, if any, in scales of pay in the two offices?

(*b*) Do Government contemplate the revision of the scales of pay of the clerks in the Medical College Hospitals office and bring them up to the same scale as in the Medical College office?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) A statement is laid on the Library table.

(*ii*) and (*b*) The scales of pay of these posts were fixed according to the nature and responsibility of the duties involved. I have, however, taken up consideration of the question as to whether the difference in the scales of pay is justified.

Calcutta Police Force.

99. Miss P. B. BELL-HART: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) whether the Commissioner of Police, Calcutta, has delegated the powers of punishment provided in paragraph 2 of the orders relating to the general government of the Calcutta Police Force published in the supplementary to the *Calcutta Police Gazette* of the 4th September, 1936, to the Deputy Commissioner of Police, Public Vehicles Department; if so when; and

(*b*) whether that delegation of powers was notified to the staff through the medium of the *Calcutta Police Gazette*?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes; on the 8th June, 1940.

(*b*) Yes; the delegation of powers was notified through the medium of the *Calcutta Police Gazette* on the 18th January, 1941, but previous to publication in the gazette it was circulated to the officers concerned.

Disposal of appeals and memorials from police officers.

100. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state, year by year, since the inauguration of the Provincial Autonomy (1st of April, 1937)—

(*i*) how many Police Officers of—

(1) Bengal Police, and

(2) Calcutta Police

have appealed to the Hon'ble Minister through the heads of their respective departments for reconsideration of the punishments inflicted upon them by way of disciplinary action;

(*ii*) how many of these appeals have been successful;

(*iii*) what was the punishment inflicted in each case;

(*iv*) what was the length of time taken for the disposal of each of these appeals;

(*v*) how many of these appeals are still pending for consideration;

(*vi*) what was the date of filing these appeals which are pending for consideration; and

(*vii*) the number of appeals, if any, in which the appellant has suffered the sentence before knowing the result of his appeal?

(*b*) Will the Hon'ble Minister be pleased to state whether there were any cases of reinstatement with full back pay?

(*c*) Will the Hon'ble Minister be pleased to state what was the financial losses incurred by Government through delay in disposing of these appeals?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The number of appeals and memorials which have been received during the period in question is 52, viz., 47 from the officers of the Bengal and 5 from those of the Calcutta Police. Of these 26 cases from the Bengal Police and 3 from the Calcutta Police have since been disposed of leaving 23 cases, which are still under the consideration of Government. In 2 cases the memorialists have been reinstated, in the case of 5 officers although the appeals have been rejected, compassionate allowances have been or will be given; in 1 case, the punishment has been reduced from one of dismissal to one of discharge and a compassionate allowance has been granted and in 1 case gratuity will be granted. The remaining cases, including 3 cases of the Calcutta Police officers, have either been rejected, dismissed or withheld, except in 1 case where an officer is to

be reduced in rank for 2 years and then reinstated in his former rank. Of the 23 pending cases 1 is pending since 1937, 3 since 1938, 7 since 1939 and 10 since 1940. The 2 cases of the Calcutta Police officers are pending since 1940. Every effort is being made to dispose of the remaining cases expeditiously.

(*b*) Yes. Two.

(*c*) Government has incurred no direct financial loss, but has suffered indirectly by being deprived for about 2 years 9 months and 2 years 1 month respectively of the services of the two officers who were reinstated.

Scheme for marketing of cottage industry products in Bengal.

101. Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state, in brief—

(*a*) the scheme for marketing of cottage industry products in Bengal;

(*b*) the results that have been obtained up till now by following the scheme; and

(*c*) the amount that has been provided in the budget for the year 1941-42?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) The scheme for the marketing of cottage industry products involves the establishment of four sale and supply depots, viz., two for brass and bell-metal articles and two for handloom weaving products in selected centres, and the entertainment of a district Inspectorate staff consisting of four Inspectors whose primary functions will be specifically to guide and supervise the depots and also of a small staff at the headquarters under the Marketing and Publicity Officer of the Industries Department who will be responsible for general supervision of work under the scheme. A working capital of Rs.2 lakhs will be placed at the disposal of the depots to cover the value of raw materials and finished products and the scheme will be introduced, in the first instance, as an experimental measure, for a period of 5 years and the staff employed will be on a temporary basis.

(*b*) As the scheme will be given effect to from July next, this question does not arise.

(*c*) Rs.2,26,600 including Rs.2,00,000 to be placed at the disposal of depots as working capital to cover the value of raw materials and finished products.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that there is a separate organisation and establishment for marketing and cottage industries under the Co-operative Industries Department?

The Hon'ble Mr. TAMIZUDDIN KHAN: Will the honourable member please repeat his question?

Mr. ABDUL WAHAB KHAN: There is a staff of marketing officers for marketing of cottage industries under the Co-poreative Industries Department. My next question is—Will the Hon'ble Minister be pleased to state the reason for maintaining a separate staff under the Agriculture and Industries Department for the marketing of these articles?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I do not know if there is a marketing officer for marketing of cottage industries under the Co-operative Department It may be for weaving only, I do not know.

Recruitment of police constables and sub-inspectors in Dacca Range.

102. Mr. MANOMOHAN DAS: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing, district by district,—

(*i*) the total number of—

(1) police constables, and

(2) Sub-Inspectors of Police,

recruited in 1940 in the Dacca Range; and

(*ii*) the number of them that are from—

(1) Scheduled Castes,

(2) Caste Hindus, and

(3) Muslims?

(*b*) Is it a fact that the number of—

(1) police constables, and

(2) Sub-Inspectors,

taken from the Scheduled Castes is not in proportion to the communal service ratio?

(*c*) If so, will the Hon'ble Minister be pleased to state on what basis the recruitment has been made?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of the Scheduled Caste candidates who applied for the posts of police constable, and

(*ii*) the names, with their respective qualifications of the Scheduled Caste candidates who applied for Sub-Inspectorship,

in the Dacca Range?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement is laid on the table.

(*b*) The number of constables and Sub-Inspectors taken in the district of Faridpur was in proportion to the communal service ratio. In the districts of Dacca and Mymensingh all the available suitable qualified Scheduled Caste candidates were enlisted.

(*c*) On communal basis, so far as suitable candidates were available.

(*d*) (*i*) 256 in the district of Faridpur and 32 in the district of Mymensingh. In the district of Dacca no register is maintained.

(*ii*) Another statement is laid on the table.

Statement referred to in the reply to clause (a) of unstarred question No. 102.

	Dacca.		Faridpur.		Mymensingh.	
	Constables.	Sub-Inspectors.	Constables.	Sub-Inspectors.	Constables.	Sub-Inspectors.
(a)(i) ..	313 (including 84 non-Bengalis).	3	91	4	189	5
(ii)—						
Scheduled Castes	30	..	15	2	11	..
Caste Hindus ..	85	..	31	..	84	2
Muslims ..	114	3	45	2	94	3

Statement referred to in the reply to clause (d) (ii) of unstarred question No. 102.

	Names.	Qualifications.
	Dacca.	
1.	Babu Akhil Chandra Biswas	I.A.
2.	Babu Bireswar Mallik	I.A.
3.	Babu Jitendra Chandra Das	Matric.
	Faridpur.	
1.	Babu Banamali Biswas	Matric.
2.	Babu Nritya Gopal Mondal	B.A.
3.	Babu Ananta Kumar Ray	Read up to I.A.
4.	Babu Jotindra Nath Biswas	I.A.
5.	Babu Surendra Chandra Mondal	Matric.
6.	Babu Pulin Chandra Poddar	I.A.
7.	Babu Mukunda Lal Rajbangshi	Matric.
8.	Babu Suk Lal Bor	I.A.
9.	Babu Krishan Kanta Kritania	I.A.
10.	Babu Addit Chandra Bhowmik	Matric.
11.	Babu Nagendra Nath Kirtania	B.A.
12.	Babu Sailesh Chandra Biswas	I.A
13.	Babu Jogendra Nath Roy	B.A.
	Mymensingh.	
1.	Babu Naresh Chandra Das	Read up to I.A.
2.	Babu Mahadeb Chandra Adhikari	I.A.
3.	Babu Debendra Chandra Mondal	I.A.

Filling up of casual vacancies in certain Union Boards in Tippera district.

91. Maulvi JONAB ALI MAJUMDAR: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that some elected seats of Union Board members of No. 2 Kalocho Union and No. 4 Kodla Union within the Hajiganj circle in the district of Tippera have remained vacant?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of filling those vacant seats without further delay?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes, but Kadla Union Board in Kachua police-station is No. 5 and not No. 4 as stated by the honourable member.

(*b*) Action is being taken by the local officers to fill up the vacancies as early as possible.

The Bengal Legislature (Privileges and Powers) Bill, 1941.

Mr. SPEAKER: Sir Bijoy, all I say is that there is another Bill before the House and unless the Government gives an assurance that that Bill will be considered in the Select Committee, the only alternative will be that that Bill also will have to be moved for reference to the Select Committee. That means two Select Committees will be working separately.

Mr. SASANKA SEKHAR SANYAL: That is an earlier Bill and ought to come first.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I make a suggestion, Sir? Let the Bill which Government have introduced be referred to the Select Committee and if any honourable member wants to introduce any of the clauses of the Deputy Speaker's Bill to this Bill, those clauses may be moved by way of amendment when the Bill comes up for consideration.

Mr. SPEAKER: Not in the Select Committee. In any way you are not prepared to consider it on the merits at the Select Committee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If I may submit, Sir, with great respect, Government have introduced only one Bill and they do not propose to take into consideration a Bill which they have not introduced. I think that will be rather an unusual procedure to follow.

Mr. SPEAKER: I might say that to my knowledge there were several Bills by certain members, viz., Money-lenders Bill and others, and all these Bills were referred to the same Select Committee, but Government ultimately accepted the Bill which they moved. That did not debar the members from considering it. For example, a member goes to the Select Committee and he moves by way of amendment in the Select Committee the very Bill which the Deputy Speaker has introduced. Do you mean to say that that member is debarred from doing it? If that member is not debarred, what is the difficulty in Government at least accepting the Deputy Speaker's Bill?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In that case the Deputy Speaker's Bill may be referred to the same Select Committee with the same personnel.

Mr. SPEAKER: If Government has no objection, it is all right.

Rai HARENDRA NATH CHAUDHURI: We can have no objection to that.

Mr. SASANKA SEKHAR SANYAL: We do not want any fencing. We want a clear move.

Mr. SPEAKER: I was giving Government a better advantageous position in what I suggested.

Mr. SASANKA SEKHAR SANYAL: Sir, we do not want fencing. We want a clear attitude on the part of the Government as to whether the Deputy Speaker's Bill is going to be let down. It was an earlier Bill that was before the House, and we cannot go in for a new Bill unless we know where we stand with regard to this Bill

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I crave your indulgence for deferring the consideration of this motion for the present?

Mr. SPEAKER: Very well.

Mr. SASANKA SEKHAR SANYAL: Try to pick up wisdom in the meantime. It is no use fencing

Mr. SPEAKER: If Government have no objection to refer to the same Select Committee, why not this Bill be sent with this assurance of Government that they will consider other provisions in the Select Committee and in that case Government will be in a better position? Otherwise, the same Select Committee will have to consider two Bills. Government may give the assurance that there will be only one Bill, but such amendments as members may choose to give will be considered, because there is no hiding from the fact that it will be ultimately the Government who will pass it They can consider what to accept and what not.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Let it be deferred for the present.

Mr. SPEAKER: All right.

Mr. NIHARENDU DUTTA MAZUMDAR: Do we understand that when the House meets again Government will give a definite assurance in regard to this matter?

Mr. SPEAKER: The matter will be considered.

Mr. NIHARENDU DUTTA MAZUMDAR: We do not want the matter to be postponed indefinitely.

The Bengal Secondary Education Bill, 1940.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, on behalf of the Hon'ble the Chief Minister, I beg to present the report of the Select Committee on the Bengal Secondary Education Bill, 1940.

Mr. SPEAKER: The House stands adjourned till 5-45 p.m. when the adjournment motion will be taken up.

(At this stage the House was adjourned till 5-45 p.m.)

(After adjournment.)

Adjournment motion.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, with your leave, I beg to move that the business of the House do adjourn for the purpose of discussing a definite matter of urgent public importance and of recent occurrence, namely, the recrudescence and the extension of rioting with incendiarism and lawlessness in the district of Dacca, indicating the utter failure of the Department of Law and Order to control the situation and ensure protection of life and property in that district.

Sir, the recent history of the riots in Dacca, black as it is in all conscience, divides itself into two chapters. The events beginning with the incidents of Monday, the 17th of March, and ending with the assurance of the Hon'ble the Chief Minister in the other House on the 28th of March constituted the first chapter. With that chapter my motion has very little connection. If I am referring to that chapter, it is only to suggest that the proceedings of that part constituted sufficient warning, and a protracted warning too, to the Government and the authorities responsible for the maintenance of law and order to be on the alert and to take proper precautionary measures so that the riots might not extend beyond the district town of Dacca. Sir, the Hon'ble the Chief Minister in his statement the other day told this House—with what sense of responsibility I do not know—that the

Government were taken unawares. The Government, we were invited to believe, were taken unawares after all the riotous proceedings between the 17th and the 28th of March! But in fact, the Hon'ble Chief Minister contradicted himself when he said in course of that very statement that "it appeared that the exaggerated accounts of what happened in Dacca and the news about the desecration of mosques reached those villages and there was a tense excitement prevailing among the whole Muslim community, and it was with great difficulty that the officials had managed to keep the people under control." Surely, Sir, the Hon'ble the Chief Minister cannot be expected to blow hot and cold in the same breath. Either the officials were taken unawares or they were engaged in allaying the tension that came to prevail in the rural areas. The fact must be that either no precautionary measures were taken or that the story of the officials trying to keep the people under control was a mere figment of imagination.

Now, Sir, let me pass on to the subject matter of my motion under discussion, which relates, as I indicated before, to the second chapter of the riots, namely, to the recrudescence and extension of riots to the rural areas of Dacca. Before I pass on to this subject, I would preface my remarks by drawing the attention of the House to three facts. In the first place, the House will remember that the whole press was gagged by the 24th of March, by the issue of an order in the *Extraordinary Gazette* of that date placing a ban on the publication of all news and even views about riots, excepting those that were censored. So, for the dissemination of the exaggerated news about the Dacca incidents in the rural areas, certainly the press in this province was not responsible It must have been due to the activities of the local mischief-mongers who were known or should have been known to the local authorities but who were allowed to carry on their propaganda unchecked. The second fact to which I would like to draw the attention of the House is that the high and shining lights of the Dacca Party in the Government were missing here during the last days of the Budget Grant Discussions and, Sir, even the benign lustre that they went to shed in Dacca could not lead the authorities to trace those miscreants or mischief-mongers who were responsible for the dissemination of exaggerated news of Dacca to the countryside. Thirdly, I would refer to the statement that was made by the Chief Minister in the other House on the 28th of March. Sir, on his return from Dacca the Chief Minister made a statement on the aforesaid date to this effect, viz., that "a trunk telephone call received by him on Friday morning stated that everything was quiet and that things had improved." So, the Hon'ble the Chief Minister lulled everybody to sleep, so far as the riot situation was concerned. If, Sir, there was tension prevailing in the rural areas of Dacca in the last week of March, and if the local officials were really at grips with the situation,

how could the Chief Minister come and make a statement before the other House that all was quiet in Dacca? He ought not to have at least withheld the information that the tension was growing in the rural areas of Dacca. But he did withhold that information. Then all of a sudden on the 4th of April—mind you, the riots in the rural areas started on the 1st of April—on the morning of the 4th of April in Calcutta we came to learn from a belated Associated Press message, dated the 3rd April, that "Mr. S. B. Hatch-Barnwell, Additional District Magistrate of Dacca, had been admitted into the Mitford Hospital having been wounded in communal disturbances in a village near Khanapara railway station within Raipura thana in the Narayanganj subdivision. The disturbances according to information received here started on the night of April 1. A number of houses were reported to have been set on fire and looted. On receipt of information, the District Magistrate sent Mr. Hatch-Barnwell with an armed force to the village." Sir, nowadays, we can get information about an earthquake even in South America on the morrow of the incident. But look here, to what extent had the gagging of the press gone? The Associated Press message giving the information of the starting of riots in the rural areas of Dacca was dated only April 3, when the incidents started on April 1. And these informations were received in Calcutta on the morning of the 4th, that is, by the time the riotous proceedings continued for at least three or four days. And the worst things happened by that time.

Now, what measures did the Government take for the maintenance of public tranquillity and for the preservation of life and property of the people in the affected areas between April 1 and April 4? Nothing appropriate and worthy to be brought to light. The Associated Press message dated Dacca, April 4, published here on the 5th of April stated that "Mr. Hatch-Barnwell was attacked by a mob while trying to induce them to disperse. The mob assaulted him with *lathis*, inflicting severe injuries on the head and other parts of the body. The Deputy Inspector-General of Police, Mymensingh Range, and the officers of the Eastern Frontier Rifles and the Subdivisional Officer of Narayanganj with a large armed force are *now* on the scene of occurrence"; that was on the 4th of April, full three days after the riot had started. Sir, this is an information that was not only furnished by the press but it was corroborated by the official communiqué that was published on the 6th afternoon. The official communiqué stated: "Strong forces of military and civil police were sent to the area by Friday morning." Notice, Sir; the riot started on Tuesday, that is, three days before. So far as Wednesday and Thursday were concerned, there was perfect abdication of the function of preserving life and property by the authorities responsible for the maintenance of law and order. It was only on Friday morning, the official communiqué admits,

that military and civil police were sent to the area, and in the intervening days, viz., Wednesday and Thursday, the rioters were surely not at rest; they continued their orgies of arson and incendiarism and looting, and proceeded with their triumphal march from one burnt and looted village to another! The Chief Minister in his statement tried to gloss over the admission in the communiqué by saying that strong forces were sent to that area. When? I am quoting from his statement:

> "On the 3rd April, the Inspector-General of Police, the Additional Superintendent of Police and the Assistant Commandant of the Eastern Frontier Rifles with about 125 men extra went to the affected area and tried to round up these raiding bands."

Either the Chief Minister must have antedated the going of the Inspector-General of Police and other officers to the area by one day or the official communique was deliberately mistaken. For the official communiqué admitted that it was only on the 4th April, that is, Friday morning, that the Deputy Inspector-General of Police, Dacca Range, and others went to the place Then the Hon'ble Minister proceeded in his statement to say, "on the same day about 100 men of the Eastern Frontier Rifles and of the Armed Police Force were requisitioned from Chittagong." But when did they arrive, it is not mentioned It was therefore a paper measure. The statement continued: "and on the 5th the Inspector-General of Police proceeded to Dacca" Here note the words "proceeded to Dacca" and not to the scene of devastation. Then, Sir, "additional police officers and men were called out from Barrackpore and Howrah." They might as well have been called out from Bihar and even the Punjab! Therefore, Sir, the measures that were taken up to the 5th April were only or mostly paper measures. Such measures continued to be taken even after that date, for it is said that "on the 6th April, 100 policemen with a complement of officers were called out from Burdwan," that is, after the worst things had happened for days together But even after that it was not possible to institute a local enquiry. All that was possible was for the Inspector-General of Police to fly over the area and take a bird's eye view or make an aerial reconnaissance and from which even he came to the conclusion that there were widespread damages and that "two large villages were burnt down as well as several smaller *paras* (localities)." But the Hon'ble the Chief Minister tried to minimise the havoc by saying that only "two small *paras*," not even the villages referred to by the Inspector-General of Police, but only "two small *paras*" were burnt down without any reference at all to the number of the other *paras* or localities noticed by the Inspector-General. Then, Sir, even the communiqué of the 6th April admitted

that no detailed information was available by that time. It must be concluded therefore that for the first few days of April if not for a week there was a perfect breakdown of the administration of law and order so far as rural Dacca was concerned.

Then, Sir, the Hon'ble the Chief Minister further assured the House that there were only 3,000 refugees in Agartala: it was not three thousand, Sir. On that very day when he was making his statement at least three times three thousand, that is, nine thousand people were there as a press message from Agartala announced, and these nine or ten thousand people were bearing witness to the fact that an unworkable and positively harmful constitution was being worked by a set of worthless and effete hands.

Mr. NALINI RANJAN SARKER: Sir, during the last four years or so we have discussed many serious and weighty issues on the floor of this House. But the situation with which we are confronted to-day in this province, the question that is before us to-day, surpasses them all in point of seriousness and significance, inasmuch as it relates to the fundamentals of any civilised Government, viz., the maintenance of law and order, and the assurance of elementary protection to life and property.

Sir, it is the responsibility of all of us not to aggravate the situation by any over-exaggerated account of what has happened. But with all restraint, I cannot help being overwhelmed with the tragedy of the situation in many areas of the province, mainly in the district of Dacca at present. And we shall be failing in our duty to this House and to our constituencies if we did not apprise the Government of the panic which has overtaken a large section of the people and of their growing lack of confidence in the ability or willingness of the Government to assure them adequate protection against unbridled lawlessness.

Sir, within the short time at my disposal it would not be possible to give details about the actual incidents of the rioting. Some of the honourable members who will speak after me will, I hope, mention such details. I need only say that the slaughter of precious human lives in the most gruesome manner has, in the area affected, become an event of almost daily occurrence; the most wanton destruction of property is going on; people see before their very eyes property that it took generations to build up being burnt to ashes in the flash of an eye; cash and valuables are being looted by riotous mobs with impunity, and even the poor man's wretched shelter and his most scarty belongings are being destroyed, and he is being reduced to complete destitution. No wonder that the residents of village after village which have been reduced to charred heaps are fleeing in panic to other areas for safety, leaving behind them all they possessed in the world and

sometimes leaving in confusion some of the family members or children. On top of this, forcible conversion of people is also reported from various quarters. In the affected area the rule of law has given way to the rule of the outlaw. And while all this goes on, while law and order—which was made much of, and for which a special responsibility was created at the time the present constitution was framed—while that law and order is cast to the winds, and lawlessness spreads over wider areas, leaving everywhere behind it a trail of murder, burning, looting, etc., the machinery of the Government has proved itself unable even after a lapse of over three weeks since the trouble first started, to bring the riot situation under control. We are assured by the Government that the situation is being brought under control. It would be good news, if true; but even to-day the papers report a serious case of incendiarism in Bhagyakul.

So far as the subject matter of the motion is concerned, the Government have in so many words admitted that they have so far failed to control the situation and to ensure protection to life and property. I realise that if a riot suddenly develops over wide areas, it takes some little time to institute necessary measures for putting it down. Even so, the question is whether such measures were taken with the promptitude and firmness which the situation demanded.

Sir, I will not go into the details, as my friend, Mr. Rai Chaudhuri, has done that before me. We on this side of the House are not satisfied that Government has taken all that was necessary to stop the riot. The development of events till now proves our contention. Not only did Government not set out to ruthlessly put down lawlessness, but practically all that they did was to leave matters to the local officers. And here we come up against the unpleasant fact in respect of the morale of the officers. How this morale has deteriorated in the last four years or so is a matter I need not dilate upon. The attitude of the Government as expressed both officially and privately, the actions of the Government, the many instances of transfers and supersession of officers on extraneous grounds, the unhealthy influence exercised by members of the party in power over officers, etc., are factors which, I submit, Sir, are certainly not conducive to strengthening the morale of the officers, although a strong morale is an absolute necessity in dealing with a situation like this. In the light of these facts, is it not only natural that officers will be extremely hesitant about taking strong action in the event of a communal clash such as the present? Further, the facts, that two Government officers of high rank who were tackling the riot situation have been seriously injured, but that no drastic measures are yet reported to have been taken to apprehend and severely punish the assailants, coupled with the further fact that strong action taken by an officer was followed by his immediate transfer from Dacca, are not by any means conducive to the strengthening of the morale of the officers in the manner that is essential in this situation.

The Government have, in justifying themselves, stated that previous riots were also not easily or quickly quelled. I maintain, Sir, that the analogy of past riots is fundamentally wrong. When those riots took place, the Government was not a responsible one. The executive was irresponsible then. But in the present case, the Ministry is one based on people's suffrage, and the Hon'ble Mr. Fazlul Huq, for one, has an unrivalled hold over his own community: he has very often claimed that he has the province behind him. Besides mere force the present Government therefore have got the great advantage of an influence and hold over people. Why should that hold and that influence not be utilised to control the present situation? The previous Dacca riot, it is believed, lingered because the officials evinced a studied indifference. The fact that when people approached the authorities and requested protection against lawlessness the retort they were met with was: "Go to Gokul Babu" or "go to the Congress" lends support to the view. I hope the present Government do not propose to take up a similar attitude.

Though the previous riots may in some cases have lingered for some time for reasons already mentioned, one striking fact is that once the authorities decided to do so they put it down with firm and quick measures, the like of which the present Government have not so far instituted. Mr. Blandy's firm action in regard to the Ponabalia riots is a good illustration of this.

That Government are unpardonably indifferent and that they are not taking up matters seriously is clear from their attitude about the forced large-scale migrations and the plight of the migrators. His Highness the Maharaja of Tripura has shown great generosity and sympathy in sheltering these refugees at a considerable expense every day from his exchequer and in looking after them at the sacrifice of his personal comforts. His Highness has, in fact, been doing what it was undoubtedly the duty of Mr. Huq's Government to do. For this the whole nation should, I feel, express its gratefulness to His Highness. Mr. Huq's Government, however, have not, so far as we are aware, even cared to send a word of thanks to the Maharaja, not to speak of deputing any officers to enquire about the conditions of the sufferers, to minister to their needs or of arranging to bring the refugees back to their own places. When 10,000 people have thus sought shelter under the Maharaja, is it not the duty of this Government to send contributions for their relief and, in fact, to relieve His Highness as early as possible of a burden which really is not his, but which it is for this Government to shoulder? If members of their own community were in such distress, could Mr. Huq's Government ever have remained so indifferent?

Government's lack of close or constant touch with the situation was demonstrated by the Hon'ble Sir Bijoy Prasad Singh Roy's replies to certain questions. When asked as to what steps had been taken by the

police to mitigate the sufferings of the affected people, he said he wanted notice. When further asked whether schools and colleges had opened, he replied, as before, that he wanted notice. This shows what scanty touch the Government are keeping with the events at Dacca, even though the situation is so serious. Further comment is needless.

The Government have banned the publication of news. There might be justification for some control of news at a time like this. But the Chief Minister in the statement on the riots that he made in this House strangely enough chose two items of news in particular—one about desecration of mosques and the other, the number of casualties in each community—both of which were undoubtedly exciting material, though he himself thought, as would appear from the statement, that the information about desecration of mosques had led to the extension of riots to villages. This censoring of news agencies, and the non-publication of any authentic news by the Government themselves at the same time, have been producing certain most undesirable effects. One of these, I am authoritatively informed, is an announcement by the German radio that revolution had started in Bengal.

The statement that the Chief Minister made the other day is eloquent of the Government's lack of touch with the actual situation and of their half-hearted attitude in bringing it under control. Unfortunately, I have not sufficient time at my disposal to fully deal with it. But anybody who peruses it will be impressed by the lukewarmness of the Government in dealing with the riot situation, and of their generally indifferent and passive attitude towards sufferings caused by the riot. I may quote here one single illustration to show that the efforts of the Government in quelling the riots lack both energy and seriousness.

Members of this House may still remember the crisis that overtook the Calcutta football world some time last year. Certain Moslem interests were also involved in this matter. How had the Government reacted then to this football crisis? The Police Commissioner issued communiqués. The Chief Secretary came down to Calcutta from Darjeeling. The Finance Minister, the Home Minister, the Prime Minister—they all also came down from Darjeeling to Calcutta. The Governor hurried back from his Bhutan tour to Darjeeling. Now, Sir, the Calcutta football crisis, I submit, was not of any serious proportions, and certainly bears no comparison with the Dacca riot situation, yet the Government were moved to take prompt and energetic action. What have they done in comparison in the present crisis whose seriousness cannot be sufficiently exaggerated? The conclusion is irresistible that the Government—whatever the reason may be—have not demonstrated a fraction of the anxiety, firmness and promptitude in tackling the Dacca riot situation that they exhibited when dealing with the football crisis.

Sir, we are to-day face to face with a situation which is the natural climax of a policy of insensible sectionalism followed by those who should, with the assumption of office, have acquired a corporate political sense. The success of party Government depends upon the ability of each party on the assumption of office to feel that its power is a trust, not on behalf of any particular section of the community, but of the community as a whole. A party in power has to function as a Government and only the minimum of the exigencies of party politics are allowed to them. But here in Bengal, the majority party has carried on, as if the avowed purpose of the constitution is to divide the province into rulers and ruled and to enable the majority party to carry on; as if the lot of the minority party is only to be ruled. Times without number in the past have the Government been warned that their communal policy was creating a situation full of ugly possibilities. These warnings were unheeded. I do not mean to suggest that some of us have not at times betrayed a sectional or an unhelpful attitude. But a difference has to be made between the attitude of the Government in power and of that of the Opposition speakers. Undoubtedly the responsibility of the Government to pursue a policy untainted by the communal virus should be paramount. But instead of this being the case, communalism was allowed to grow and gather strength. The situation was so highly charged that only a spark was needed to ignite the communal powder magazine into open flames. And the proud boast of the Government that their administration is untainted by any communal disturbances or conflicts has been rudely dashed to pieces by the occurrences in the Dacca district.

I do not intend to dilate further on past blunders. But I sincerely hope and trust that the Government will yet take heed of the warnings of past events, and be prompted to take resolute action to ruthlessly put down lawlessness. Unless law-abiding citizens can be assured of security in the shape of protection to their lives and properties, I shudder to think of the future in store for us. It is futile to indulge in the hope that constitutional powers could be utilised for riding roughshod over the feelings and rights of certain sections of the people. People, however peaceful, will not continue to acquiesce in such a situation for long. They will only be driven to devise their own remedies, whose probable repercussions on society I dare not think of.

I am glad that the Prime Minister has made an appeal, although belated, to the public to co-operate with him, and has also expressed the Government's determination to take the most drastic steps to bring the riot situation under control. His earnestness and sincerity will, however, be tested by the promptitude and the vigour of the measures he adopts to put down the riots and also in affording adequate relief to those who have become destitutes as a result of rioting.

(The member having reached the time-limit resumed his seat.)

Mr. KIRAN SANKAR ROY: Sir, may I suggest that there should be some speeches from the Government side? It is rather unfair that they should sit tight when speeches are made from this side of the House.

Mr. SYED BADRUDDUJA: Mr. Speaker, Sir, I have listened with very close attention to the speeches that have been just delivered by friends opposite. I had no mind this afternoon to take part in this debate, but for certain vague remarks in which the members have indulged this afternoon. The Hon'ble Chief Minister of the Government of Bengal will answer the charges. For me it will be necessary only to refer to certain misleading points which have created an impression in the public mind that the Government of Bengal have ceased to function. Mr. Nalini Ranjan Sarker in his characteristic fashion remarked just now that the German radio reported that there was revolution in Bengal We are not swearing by the Germans or by the Nazis. At the present moment we are grappling with the realities of the situation that confronts us. I will not introduce at the present moment any heat into the debate. Personally I say that the situation is really very serious and grave I expected that all sections of this House would combine and pool their resources to get out of the serious tangle that confronts us at the present moment. But opposition for the sake of opposition, condemnation of the Government for the sake of condemnation, has ever been the policy that has been pursued by the Opposition. When England was threatened with a crisis, leaders of various groups combined and closed up their ranks to put up a united front to combat the growing menace of Hitlerism that was threatening the extinction of England. We expected at any rate the Leader of the Opposition and the Leader of the Coalition Group, with a clear vision and imagination of the vast possibilities that lay before them, might have combined and pooled their resources in the right direction. Instead of that, an adjournment motion has been tabled for the purpose of discrediting the Bengal Government. So long as Mr. Nalini Ranjan Sarker, the member for the Bengal National Chamber of Commerce, was a member of the Cabinet, the Government were functioning for three years most smoothly without any disturbance in the country, but now that Mr. Sarker is not a member of the Cabinet, the Government have failed to function properly. Sir, the situation is really grave. To us, Mussalmans, every life, Hindu, Muslim or Christian, is precious. We believe in the language of the Koran. Whoever kills a soul, except in the requirements of justice or for removing corruption from the land, kills all humanity. Whoever saves a soul, saves all humanity. Whether a Hindu life is destroyed or a Muslim life, whether a Muslim mosque is desecrated or a Hindu temple, or a Christian church, or a Jewish synagogue, we must have nothing but emphatic condemnation of this wanton desecration and

the miscreants responsible for it. Every sensible man, every sensible citizen, must rise to the height of the occasion, must take a detached and dispassionate view of the whole situation, free from prejudice and passion—prejudice and passion that very often colours the vision of many a sober politician. But what is the attitude of the Opposition? There is now a move to appeal to the Governor of the province to suspend the constitution under certain sections of the Government of India Act. My friends conveniently forget that in a more serious and desperate situation which confronted the minorities in the Congress-governed provinces, where minorities, who had no quarter, no shelter, no recognition, no appreciation, no encouragement, no facilities, were oppressed, and tortured with every refinement of cruelty and barbarous savagery and deprived of their legitimate political and social rights. When these minorities raised a cry of distress, there was no move anywhere for the suspension of the Constitution. Perhaps because a Muslim is at the helm of affairs in this province that this cry is raised. If the position of the Hon'ble Chief Minister were to be occupied by a Hindu gentleman on that side of the House, perhaps everything would have been O. K. and perfectly all right. Let the Hon'ble Chief Minister declare on the floor of the House that there will be a reshuffling of the Cabinet and as a result my Hindu friends opposite will come to occupy positions of responsibility and honour, there will be no trouble----

Mr. SASANKA SEKHAR SANYAL: Question!

Mr. SYED BADRUDDUJA: Why question? You may question for all time, but the fact remains. You cannot question facts, you cannot question truth, you cannot question the eternal principles of life upon which the structure of human civilisation has been reared up.

Mr. SANTOSH KUMAR BASU: What an apostle of truth to-day!

Mr. SYED BADRUDDUJA: Sir,——

Mr. SPEAKER: I am sorry to interrupt you. We have to adjourn now for prayer.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. SYED BADRUDDUJA: Sir, in the heat and turmoil of an agitated House, in the feverish excitement of a tense atmosphere, I would refrain from making any observations or remarks that might wound the feelings of any section of this House. But I feel, Sir, that

we have got to seriously view the whole situation in all its bearings and implications: we are here not to disguise matters: we are here not to conceal any facts that have got a direct bearing upon the grave situation that now prevails at Dacca: we mince no matters. Sir, we are here to condemn in no uncertain terms the civilised madness and frenzy of all oppressors and tyrants as also all acts of tyranny that are perpetrated in any society in any part of this province. The cry of distress, from whatever source it comes, is always pathetic and touching. Even the agonies of England, the agonies of the various civilised countries of Europe that have been quartered and slaughtered by the modern methods of Nazi oppression has produced a deep impression upon the public mind in Bengal. But, Sir, this cry of distress coming, as it does, from the blood of our own blood, the bone of our own bone, the flesh of our own flesh, gains in pathos all the more, producing a penumbra of mournful twilight all around. But when my friends were expressing their sympathy for those homeless wanderers that have gone to Agartala, they forgot that the unfortunate Mussalmans who had been wounded, who had been murdered, who had been shot down dead were even larger in numbers than the Hindus, but they had no quarter, no shelter anywhere and even there was no expression of sympathy for them in their calamity. Sir, the honourable the mover of the motion has referred to the shelter given by Agartala to the refugees from Bengal, but he has forgotten the important fact that Agartala by having given shelter to a section only of the people has not encouraged the true principles of hospitality, but has rather encouraged sedition and revolution at the present moment—(Laughter from the Opposition Benches.) You may laugh in your sleeves, laugh for all time to come, laugh for all eternity; but he laughs best who laughs last, and I reserve that fund of laughter for the occasion which is confronting you very soon. The position at the present moment is how are you going to tackle the situation? You say that Government has not tackled the situation properly and promptly; it is, Sir, an absolutely incorrect statement. As the Hon'ble Sir Bijoy Prasad Singh Roy stated on the floor of the House only day before yesterday, on the 1st of April when the riots started, on that very day a telegram was sent and the next morning the officer in charge of the Raipura police-station was wired and directed to take necessary action He mobilised all the police force near about, and that very night at 8 p.m. the Additional District Magistrate hurried to the scene of action. The next morning the Additional Superintendent of Police with fifty men went to the scene of occurrence, and after that various police forces from Barrackpore, Burdwan and Chittagong poured in. It is yet said, Sir, that Government did not take any action. Some time ago, the Congress Government of Bombay was confronted with communal troubles of a more desperate character, and the riots continued there not for a day or two but for months

together, and there was recrudescence of that trouble even thereafter resulting in the loss of precious human lives for a very long time. Is the situation here more extraordinary, is the situation here more desperate, is the situation here more serious than the situation that confronted the Hindus and Mussalmans of Bombay only one or two years ago?

Mr. SASANKA SEKHAR SANYAL: May we know what is relevant to the Bombay situation? Is that to justify this Government's taking a retaliation?

Mr. SYED BADRUDDUJA: Sir, if the Government is more strict here, my friends opposite come forward and contend that the Government is bureaucratic, that the Government is harsh and severe, that the Government is reactionary, that the Government is not responsive to the needs and requirements of the people, and that the Government is not sympathetic to the demands and aspirations of the people. On the other hand, if the Government allows time for the wounds to heal up, if the Government allows the local leaders to ease the tension, immediately they come forward with the charge that the Government is imbecile, that the Government is idiotic, that the Government is impotent. It is very difficult, Sir, to escape criticism. Even though Government may do sufficient good, it will not escape criticism. But, Sir, I also charge the Government of Bengal with weak-kneed policy with which it has been charged by my friends opposite, but that I do, not for its having failed to deal with the present situation. There I congratulate the Government for the bold stand it has taken. I congratulate the Government for the prompt action it has taken. I congratulate the local officers for the drastic steps they have taken to quell the disturbances, but I charge the Government for having allowed roaming politicians to wander throughout the length and breadth of the country, disintegrating the communal concord that used to prevail in our countryside, disturbing the communal harmony, polluting the peaceful atmosphere, corrupting the whole situation and poisoning the very springs of life——(Loud cries of "Shame! shame!" from the Coalition Benches.)

Mr. SASANKA SEKHAR SANYAL: What about the cowardice of the Hon'ble the Chief Minister in not curbing the communal activities of his own co-religionists and the temerity of his own utterances?

Mr. SPEAKER: I would ask both sides of the House to exercise the utmost patience at a time when we are discussing this very delicate but serious question.

Mr. SYED BADRUDDUJA: Sir, I do not for a moment cast any reflections on Congress people as having fomented communal troubles, but I stand by it that the Government of Bengal committed the greatest blunder in not having curbed beforehand the political masqueradings of a person who had the hardihood and the temerity to foment communal troubles throughout the province

(At this stage there was tremendous shouting and cries of "Hear! hear!" from the Coalition Benches.)

Mr. SPEAKER: I would again ask you, gentlemen, to have more patience on this occasion at least.

Mr. SYED BADRUDDUJA: Sir, I do not for a single moment cast any reflections on my friends of the Congress persuasion; they have not incited any communal feelings; they have not poisoned the atmosphere; they have not complicated the situation at all. I have had the privilege of establishing a personal contact with some of my Congress friends for whom I have great respect. But people of a certain denomination, people of a certain school of political thought have been let loose upon our simple countrymen, and as a result we now find devastation and ruin in the countryside It would be in the fitness of things, Sir, if the Government of Bengal were much bolder, if the Government of Bengal took courage in both hands and pursued a bolder policy and with a stern and iron hand curbed the activities of these people so that these disturbances might become a thing of the past. (Loud cries of "Hear! hear!" from the Coalition Benches.)

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, may I tell Mr. Badrudduja at the outset that if a Hindu Chief Minister was functioning to-day, if the Minister in charge of Law and Order was a Hindu, and if due to Hindu aggression the Muslim community in Bengal had suffered in the same way —(Cries of "They are also suffering" from the Coalition Benches.) May I go on undisturbed, Mr. Speaker?

Mr. SPEAKER: I would appeal to every member of the House to exercise control over himself.

Mr. JOGESH CHANDRA GUPTA: Even in that case I would have raised my voice of protest against Government and justified the motion about the utter failure of the Department of Law and Order in the same way as I intend to do to-day. Further, Sir, we are not interested in the change of Ministry or the suppression of Ministry. What we are interested in to-day is the security of life and property of the Bengalis—be they Hindus, be they

Mussalmans, or be they persons domiciled at the present time in Bengal. The real question before us is whether the Government that is in charge of law and order has justified its existence and taken the necessary steps for maintaining law and order and for preserving the security of life and property in this province of Bengal. Let us, therefore, just look at some of the facts. The honourable mover has said that the first chapter of the episode began on the 17th of March in Dacca. Let us examine the facts instead of trying to make sweeping allegations. Let facts be our guide. On the 17th of March, a tense situation was perceived in some quarters in the town of Dacca. The Superintendent of Police was told by some responsible members of the Peace Committee on the 17th March that there was a chance of a widespread riot breaking out in some places. And although I do not say that he deliberately put aside that suggestion, he was not in the know as to how much bad communal feeling existed between the two communities at that time. He thought that those were stray cases of assault. The next fact that I would place before the House is that on Tuesday afternoon leading shops of Chakbazar were looted and the first shop looted was that of Sashilal Mahilal Saha. It was in daytime that it was looted and the Chakbazar outpost was not farther than the outside gate of this House. We all know that just opposite that shop there was a bank from which telephones were being sent out for getting help, but no help came. On Tuesday it continued; throughout the whole of Wednesday it continued. I would like to be enlightened as to what is the justification that though during Tuesday and Wednesday looting was going on and arson was going on in the Chakbazar in front of an outpost and when information was sent, yet the city police, the armed police, or the military was not there to prevent it. Sir, articles worth lakhs and lakhs of rupees had been carried away. They could not have been carried away from the neighbourhood of the city of Dacca in a day or two, and they could not have been removed even now. May I ask, what the Department of Law and Order is doing regarding tracing the looted property and apprehending the miscreants? If that is not an utter failure on the part of the Department of Law and Order to be inactive or to be unable to do anything, I do not know what it is. I had a discussion over it with some of the high local officials, and when asked I said that either the explanation is that all the officers, the police officers, the military and other officers were paralysed or made speechless or there is some other complicity in the matter which alone can explain it. I am not here to suggest what it is. I am sure this will have to be explained as to how looting and arson can go on in the city for two days together without any of the myriads of representatives of law and order being there to prevent it.

The next thing that I will mention is this. In the interior warning was given and I had also discussed with responsible officials and responsible persons who told me that there was a chance of this thing

spreading out in the interior. I do not know what steps have been taken. We pause to know from the Hon'ble Minister in charge of Law and Order what steps have been taken. Now, Sir, what are the facts there? On the 1st April (Tuesday) villages Radhanagar Bazar, Baherchar and Rahimabad were looted and I know that from the railway station, if not from other telegraph offices, wires were sent that the situation was very threatening and looting was going on. Then on the 2nd April village after village was raided and the following villages, namely. Hairmara, Nobarchar, Shahebnagar, Noadia, Chandpasha, Latterbow, Amirabad and Saripur were looted and burnt. On Thursday, *i.e.*, on the 3rd April, villages Methikanda, Srirampur, Monoharpur, Haripur, Meratali, Raipura, Radhapur, Hashimpur, Kurerpar, Shapmara, Pirijkandi, Srinidhi, Pirpur, Raipura, Baherchar, Paharpur, Muchapur, Chanderkandi, Radhanagar and Rahimabad were looted and burnt. *Pucca* buildings were burnt I have got the names of owners of the houses which were attacked, burnt and looted. They were of Mahesh Chandra Pal of Raipur, Murari Mohan Roy of Raipur, Iswar Chandra Roy of Raipur, Mahim Chandra Roy of Raipur, Mukunda Mohan Roy of Raipur, Suresh Chandra Pal of Methikandi, Kanendra Chandra Chakrabarty of Methikandi, Jagat Chandra Choudhury of Hashimpur, Raj Kumar Pal Choudhury of Radhanagar, Hari Krishna Pal Choudhury of Hashimpur and Sachindra Chandra Das of Shapmara. This was going on on the 1st, 2nd and 3rd April. I have a letter written on the 4th by a man, and I will read out the letter which is in Bengali

আমাদের সব ঘর দরজা আগুণ দিয়ে পুড়িয়ে দিয়েছে, এমন কি গ্রামের একটী হিন্দুরও ঘর দরজা নাই। সব লুট পাট করিয়া নিয়া গিয়াছে। এখন আমরা গাছ তলায় বাস করিতেছি। আমাদের কোন জিনিষও বাহির হয় নাই—জিনিষপত্র আসবাব ইত্যাদি।

মঙ্গলবার হইতে আগুণ ও লুটপাট চলিয়াছে, কিন্তু Police ও Military একেবারে inactive বল্‌লেই হয়।

This was on Friday. On Saturday I am reading a letter written by the Head Master of the Shibpur High School—"Communal riot has broken out. Hindu houses of Saripur, Jolpur, Noadia, Baherchar and Musapur were burnt and destroyed." He is writing from Panchpaika on Saturday at about 9 a.m. May I pause for one moment? I say from the statements made by those who had come to Narainganj as well as to Comilla and Akhaura that for 2 or 3 days before some friendly Muslims were giving them a warning that all these things were going to happen. So, it cannot be said, first of all, when it is continuing for 3 or 4 days together—a week to-day—and when we find that organised gangs are going about, that this happened at the heat of the moment. This gentleman also got news that the turn of Panchpaika was on Saturday, but it was

not burnt on that day. He says: "Just now at about 9 a.m. I am sending my family with Jnan Babu and others. This is a reign of terror. The military and the police are inactive." I have also got other letters, one of which I shall read out, because it is no good making speeches and giving airy views. Facts speak for themselves. Here also they say—[Mr. FAZLUR RAHMAN (Dacca): We would like to have a look at these letters.] Yes, all these letters; you are welcome to read all these letters. One man is writing from Agartala. He says:—

আমাদের দেশে লুটপাট হইয়া অবশেষে আগুণ লাগাইয়া সব হিন্দুর যথা-সর্ব্বস্ব লইয়া ভস্মীভূত করিয়াছে। আমরা গ্রাম ছাড়িয়া এখন আগড়তলায় আছি। তোমরা আমাদের জন্য কোন চিন্তা করিও না।

This is the letter written to his son. These are postcards in which nobody will be able to suggest that something has been put in. (Mr. ABDUL WAHAB KHAN: Does it say that Muhammadan houses were not burnt?) If unfortunately any Muhammadan had a house in Hindu quarters, it may have been burnt, but as you know in the Chakbazar there were Muslim shops which were not looted. So was it written outside these shops. Therefore, there is organisation about it. I have mentioned that there was time enough for the Department of Law and Order to be active. But why was nothing done? How is it that the Ministers who had at public expense during their tours gone there and preached about Islam in danger and Pakisthan could not on this occasion go there? Even now let the Ministers go out and tell the people there that it is no good burning villages by crying Pakisthan, *Allah O'Akbar* and *Hinduko maro*, that all that is wrong, and that the Government of this province will not tolerate it. Let the Ministers come along. Let us go over there and tell the people to stop. Otherwise, these things won't stop. I have a shrewd suspicion that persons who have carried on——

(At this stage, the member having reached the time-limit, resumed his seat.)

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, for the last four years we have been sitting in this Assembly Hall deliberating over many things, but the discussion that is taking place to-night is to me the most calamitous that I have ever thought of. We on this side of the House—and I am speaking on behalf of the Krishak Proja Party—have certainly hated all talk of communalism. We dreamt of better days with our erstwhile leader, the present Chief Minister, the Hon'ble Mr. A. K. Fazlul Huq. We hoped and we dreamt that under his leadership a non-communal Government would function in this province and that he as Leader and Chief of the Government would create an atmosphere in this country——(Cries of "Oh! oh," from the Coalition

Benches.) I can easily reply to these interruptions. But I don't want to. Please listen to me, and then go to your respective homes and in the silence there think over the matter.

Sir, that was our dream. But unfortunately we found that after Mr. Fazlul Huq became the Chief Minister, he was drawn to the side of the League. Sir, I am not holding any brief for either the Muslim League which stands on one platform or for the Hindu Mahasabha which stands on another platform. I believe, and I speak very frankly, that these two organisations have created an atmosphere throughout the length and breadth of the whole of India—I am not confining myself to this province alone—in which we are tasting a bit of the fruits of the agitations that they carry on. Sir, riots had taken place in the pre-autonomy days and on those occasions I had, so far as in me lay, to give some succour to the people in the afflicted areas. I know what desecrations took place and what sufferings were undergone by the people in those days. But I never expected that in these days of provincial autonomy a disorder of the kind that had broken out at the present moment would be allowed to go on. Muslim rule, Pakisthan rule, Hindusthan rule—all these tall talks have been thrown to the winds. At present, the *goonda* rule has taken place! (Cries of "Hear! hear!" from the Congress and Krishak Proja Party Benches.) Let us see what is the position at Dacca. The Muslims feel that the mosques have been desecrated, the Koran has been damaged, Muslim houses have been burnt and Muslims have been killed. On the other hand, the Hindus feel that financially they have been losers much more than the Muslims, and they are thinking of areas where Hindu houses have been burnt and Hindu lives have been lost. Only a few days back we learnt that the riots had spread to the villages. What will be the aftermath of all these things? The Hon'ble Mr. Fazlul Huq has issued a statement saying that the news of the desecration of mosques and of the Koran reached the villages. Perhaps this has been the cause of riots in the villages. Sir, to me it seems that the real trouble began at the *toddykhana*. It is very funny that the *toddykhana* was the place where the trouble originated. The Hindu and Muslim *tarikhores* fell out there, and the trouble spread elsewhere and the people in big places all enjoyed. Sir, I feel that the action that has now been taken by Government for bringing military and police from different places should have been taken long before when the first riot broke out at Dacca. Irrespective of persons and personalities men who were supposed to be at the head of riotous mobs should have been clapped into the prison. I believe Mr. Syed Badruddoja referred to Dr. Syamaprasad Mookerjee. I had the advantage of reading some of his statements and some of his reports that were published in the papers. If these were correctly reported, I believe that the Government were not properly functioning in those days because Dr. Mookerjee should not have been allowed to go round

the countryside and say that the country should be prepared for a bloo bath, and so on. He should have been taken to prison long befor So also our Chief Minister should not have said at Lucknow—a plac which is in a separate province, outside his own jurisdiction—that the Hindus of the United Provinces were to ill-treat the Muslims ther "*satana*" would take place in Bengal. My Mussalman friends on th Coalition side perhaps are thinking that Dr. Mookerjee is talking lik that to get places for his Hindu countrymen. I am warning you al that if you do not stop these riots now, a day is sure to come soone or later when the whole of India will be in flames. I cannot under stand, when Hitler conquered the whole of Poland in 15 or 17 days when Great Britain which is still ruling the country has not given u its functions, when British bayonets are still ruling this country, whe British ships are still guarding the shores of India, when the Britisl Army and Indian troops can go to Benghazi within a few days, hov Indian Ministers and British troops here could not stop the disturbance which have been going on for the last 23 days. It is to the utte shame of us all that this is so. If the Hon'ble the Chief Minister ha so desired, he could have suspended the sittings of the Assembly. Th Ministers should have gone to Dacca and all the members should hav placed themselves at the disposal of Hindus and Moslems and the stopped the riots from spreading to the countryside. I apprehend tha the riots which are spreading in the mufassal of Dacca may not b stopped there. Here in Western Bengal the Hindus who are in a majority might think that they might terrorise the Mussalmans wh are in a minority. This shameful thing should not be allowed to g on under Provincial Autonomy where responsible Ministers are functioning. May I ask the Hon'ble Mr. Fazlul Huq whether it is his Government? After all, whatever news will spread will go to prove that Mr. Fazlul Huq has not been able to quell the disturbances. I am glad to learn, however, that at present the step that has been taken so far as Narsingdi is concerned is a step in the right direction, but I submit that this step ought to have been taken long before.

Then, Sir, there is another apprehension in the public mind. I say with a great sense of responsibility that although those people who are working as leaders of the Hindu and Muhammadan communities belonging either to the Congress or the Krishak Proja Parties may not find any place and may not function in the communal affairs of the province, there are others who are to-day masquerading as leaders of the Hindu or the Muhammadan community and sowing seeds of communal discord in the minds of the members of both the communities. Sir, I had no mind to bring in the name of any individual person in this debate, but I am sorry to refer to the activities of Dr. Syamaprosad Mookerjee. I knew, Sir, what he was before, but within recent times I find that he has become the leader of the great Hindu community. So also there are persons amongst the Mussalmans who are aspiring to

become the leaders of the Muslim community by raising the false cry of "Islam in danger"; but the tragedy of their cry is that if ever Islam be in danger, they will be a hundred yards off from that danger. By raising that cry of "Islam in danger" they simply try to create a situation in the country by which they may either secure votes for themselves or establish a position for themselves by which they will be acclaimed as leaders of the Muslim community. This is the unfortunate state of affairs in our country at the present time, and in this dependent country of ours our twenty-five friends on my left who represent our rulers are taking the fullest advantage of our communal frenzy by siding with the Hindus at one time and with the Muslims at another, thus perpetuating our bondage and our slavery for all time to come. Therefore, Sir, I would most respectfully and humbly ask the Hon'ble the Chief Minister of Bengal really to be the Chief Minister of the Hindus and Mussalmans of Bengal. (Cries of "He is! he is!" from the Coalition Benches.) I know he is not. Only the other day the Hindus assembled in the Town Hall and demanded that the Chief Minister should go. I do not like that our Muslim Chief Minister should give the least scope to the Hindus to cry out with one voice for turning him out of office. My point is, why should Mr. Fazlul Huq allow such a situation to develop as to give the Hindus of Bengal a scope for such misunderstanding? Sir, I may have my political differences with my erstwhile leader, but I may tell him that I have all the love and affection for him which my friends on the other side profess to have, possibly more, because I spent the best part of my life in his company. But, Sir, this is an occasion which calls for truth and truth alone. I know my friends have been crying for *jihad*, well, even if you can speak out the truth, that also is a part of *jihad*——

Mr. ABDUL WAHAB KHAN: Who talked of *sangram*?

Mr. M. SHAMSUDDIN AHMAD: I know you will be a thousand miles off from *sangram* just as you have been in the past, and in this connection I would refer to certain past incidents. Where were you in those days? Where were you when that unfortunate incident happened at Kulakati in Bakarganj? Mr. Fazlul Huq and I went there to defend those helpless people. (Cries of "There were many more" from the Coalition Benches.) May be, but not you. However, Sir, I will not go into that question any more.

With all humility, Sir, I would remind Mr. Fazlul Huq again as to what I told him in the past in public as well as in private and also during the three months I had the honour of being in the Cabinet I told him on the floor of this House as well as elsewhere that possibly the communal leaders were trying to side-track the real issue before the country. Everybody knows that the jute problem and the various taxation measures of Government have developed a situation in the

country resulting in intense Krishak-Proja agitation, and it is with a view to side-track that great issue which is now staring us all in the face that my European friends are eager to see the birth of a baneful counter-agitation to confuse that real issue before the country, and with that end in view they welcome leaders like Colonel Lawrence of Arabian notoriety who established his supremacy over that country by inciting the people to rise up in rebellion against the Sultan of Turkey. That is why I find to-day new leaders with the slogan of "Islam in danger" amongst us, and that is why I find to-day communal leaders cropping up amongst the Hindus as well. I would, therefore, ask Mr. Fazlul Huq in all humility to rise equal to the occasion and with a stern hand stop these communal riots at once. I am quite in agreement with the steps that he has taken at the present moment, for it has been quite in the fitness of things with a view to stopping the disturbances now going on in Dacca. I would also implore my Hindu friends as well as my Muslim friends no more to wash the dirty linen; blood has already been shed at Dacca. Let us together find out ways and means by which these disturbances can be permanently put a stop to, no matter whether the Hindus are aggressors or the Muslims are. Let us also make the best endeavour and offer our wholehearted co-operation in re-establishing communal harmony which it will be impossible for any communal body, Hindu or Muslim, to disturb in future. And in conclusion I would in all humility ask Mr. Fazlul Huq to do all that is possible for him to bring about that happy end.

Dr. SYAMAPROSAD MOOKERJEE: Mr. Speaker, Sir, as I rise to speak on the adjournment motion I am confronted with certain personal attacks which are characteristics of that quarter from which such attacks emanate. Sir, Mr. Shamsuddin Ahmed has just pointed out that it was only during the last eighteen months that it has been my lot to speak inside this Legislature or outside in defence of the rights and liberties of the Hindus of this province. I would give this assurance to this House that whatever attempts may be made by interested persons to distort my speeches and utterances, in none of the speeches that I have delivered I have attacked the Muslim community as such. (Cries of "Question, question" from the Coalition Benches.) Important meetings which I have addressed in different parts of the province were attended by thousands of persons, and in almost every meeting there have been hundreds and thousands of Mussalmans (Cries of "Question, question" from the Coalition Benches.) who after the termination of the meeting came to me and said that the point of view which I had given expression to was certainly something which they were entitled to listen to. It was not a question of attacking the Muslim community as such, but it was a question of exposing the policy of the present Ministry which, I consider, has been deliberately aimed during the last three years at

crippling the legitimate rights and liberties of the Hindus. *And if I have done that, Sir, in the discharge of what I consider to be one* of my sacred duties, I am not ashamed of what I have done.

Now, Sir, the question comes if I have been responsible to a certain extent for the present disturbances at Dacca. (Cries of "Surely, surely" from the Coalition Benches.) May I refer to the *Star of India* articles which was published on the 4th of March before the riots commenced and which cannot be distorted because it appeared in cold print and on the pages of a newspaper which is patronised by the Government of Bengal. It has said, referring to the Hindus, "The time has come to the little rats to know that the lion is not dead, only sleeping; the challenge is to be accepted; the enemy is to be met on its own ground; Mussalmans cannot resort to meanness and trickeries which characterise their political enemies; the Hindus will see to whom Bengal belongs; they shall be taught the lesson they need." And what is happening in Dacca is the lesson which they want to teach us.

Let me now pass on to that area in the subdivision of Narainganj the disturbances of which are the subject-matter of this adjournment motion. I do not want to leave Dacca town. I am prepared to refer to the details of the Dacca town, and I am as much ashamed at the desecration of the mosques as I should have been ashamed of repeated desecration of Hindu temples for the last 100 years in Bengal and in other provinces. I do not want that any religious institutions will be touched by any community. I want communal concord and harmony in this province and in India. We have to live as brothers; we have to live as men who understand each other's point of view and not as one community which tries only to subordinate the interests of the other communities for the purpose of advancement of its own interest. ("Hear! hear!" from Congress Benches.)

Sir, with regard to the persons dead—no doubt twice the official statements have announced that the number of persons killed is larger among the Muslim community—this morning I received information over the telephone and I begged of the Hon'ble Chief Minister to have it verified that the figure which has been given is not correct and that the number of persons killed among the Hindus and the Muslims is almost equalised to-day. (A voice from the Coalition Benches: "Question.") You may question it, but that is the information I have received.

(There was much interruption at this stage.)

Mr. SPEAKER: May I hope that at least in this House every section is entitled to be heard and there will be no interruption?

Dr. SYAMAPROSAD MOOKERJEE: What I would like to say is this, that the heart of every honest man would go out in the deepest sympathy for every person killed, be he a Hindu or a Muslim or a Christian. (Cheers from Opposition Benches.) We do not want that there should be any trouble.

Mr. ABDULLA-AL MAHMOOD: You are the creator of all troubles.

Dr. SYAMAPROSAD MOOKERJEE: You have no right to say that. It is you who are creating troubles. Ask your conscience.

(At this stage there was great confusion and interruption from the Coalition Benches.)

Mr. SANTOSH KUMAR BASU: Don't behave like representatives of hooligans.

Khan Bahadur Maulvi SYED MUHAMMAD AFZAL: You are so.

(There was interruption from all sides of the House.)

Mr. SPEAKER: Order, order, please. All I hope is that you will not create a riot in the Assembly. May I beg of you not to transfer the riot here?

Mr. ABDULLA-AL MAHMOOD: Mr. Speaker, Sir, will you kindly ask the honourable member to withdraw his remark?

(Interruption from Opposition Benches.)

Mr. SPEAKER: Order, order. If you do so, I will have to adjourn the House. There has been too much interruption, and I have seen that in spite of efforts on the part of some of the leading members there has been interruption. All I feel is that here you have made a charge and I do not think that charge gets a better colouring by mere repetition and by interjection. Let him answer. After all he is in the position of one who has to meet the charge, and I do hope that the House will give him a hearing.

Dr. SYAMAPROSAD MOOKERJEE: Sir, I would calmly ask my friends to the left to consider how can the Hindus consider their interests to be safely entrusted to a Government which is supported by a party which expresses its feelings in the manner in which it has been doing for the last few minutes. (MR. ABDULLA-AL MAHMOOD: Only against you.)

Sir, let me now come to the area in the Narayanganj subdivision the disturbances of which are now the subject matter of to-day's

adjournment motion. Sir, let us consider the facts that the area which joins the railway lines is about two hours' journey from the Dacca station. It is an important trade centre and there mostly Hindus are the persons who are in a position or who were in a position of authority and influence. Now, Sir, on the 1st of April the trouble started in one of the villages in Raipura police-station within this area. Here, let me remind you, Sir, that apprehension was expressed by many responsible persons belonging to both communities that unless proper steps were taken in proper time it was likely that the disturbance would spread from the city to the interior parts of the district, and the question still remains unanswered as to what steps the authorities had taken for the purpose of preventing the disturbance from spreading.

Now, Sir, what were the methods employed by the persons who came out to carry on these organised acts of rioting? I say this on the information which has reached me from persons who were in the locality and who now find themselves as almost penniless in various places in Agartala and Comilla, men who were worth lakhs but to-day are in simple rags and have not even more than a few pieces of cloths to call their own. From them come reports that this was an attack of a definitely organised character. Outsiders came belonging to the Khaksar party. They came in small numbers leading a small batch of about 250 on the first day and the riot in the village started. They were working in groups. (A voice from the Coalition Party: "Are there any Khaksars in Bengal?") Sir, my friend asks, are there Khaksars in Bengal? I ask him to go to Mechuabazar Street at 11 p.m. and find out how batches of Khaksars come out in the streets of Calcutta even to-day. Sir, these men were working in groups, one group preceding the others, and the first group came for the purpose of exciting the mobs and from various quarters the same story comes repeatedly that they were going on narrating alleged stories of oppression on Muslim women by Hindus, reading that very extract from the *Azad* of Sunday, the 23rd March, to which reference was made on the floor of the House on Wednesday last, as also the reports of desecration of mosques and also the fact that Pakisthan has come to stay and calling upon the Hindus to surrender to this policy. (Laughter from the Coalition Benches.) My friends here may laugh, but it is something which deserves more than laugh; for about 25,000 Hindus to-day are homeless from 50 villages who have fled to different parts of the province asking for shelter hither and thither. Now, Sir, they were followed by others, by bigger crowds, and these men carried with them axes, daggers and *ramdaos* and they also carried petrol with them, petrol which has been carried to the villages by boats. These are unpleasant truths, but these truths have to be listened to, for they represent the true state of affairs in the small subdivision of Narayanganj from the 1st of April to the 5th of April. Now, Sir,

attack on houses started. There was some resistance from individuals, but no help whatsoever came from the police and village after village fell for at least five days. Fifty villages fell like that and thousands—we have the figure now at least of 10,000 persons—have taken shelter at Agartala alone, men, women, children, babies who are aged 5 or 6 days, pregnant women who have been forced to go to these places and have met with accidents which I do not want to narrate here. From a telephonic message which I have received to-day I understand that some women who have not been able to discover their kith and kin have gone insane. I ask my friends to the left, it is not a communal question, but supposing there have been Muslim families like that——(A voice from the Coalition Benches: "Muslims were also killed at Dacca.") Supposing some lives were lost in Dacca, is that the reason why you should gloat over the troubles and miseries of 25,000 Hindus of Bengal? Does that represent the mentality of the Coalition Party which supports the present Government? Now, Sir, the Hon'ble the Chief Minister said that looting and arson were committed by local men. That fact is challenged by the facts which have been placed before us. How did the police fail? That is a very important point which has to be considered by the House. The police failed for this reason. I can get it proved by the statement of the Hon'ble Sir Bijoy Prasad Singh Roy himself that on the 1st of April the information sent to the Subdivisional Officer and the District Magistrate did not go from the police-station of Raipura where lootings and plunders were going on. According to his own statement it was the station-master who sent a message that the station was about to be attacked, that the villages were being burnt down and that there was no assistance whatsoever. Then, what did the local authorities do? The local authorities asked for a report from the police-station of Raipura. Why? Was it not the duty of the police-station of Raipura to inform that there had arisen a situation which they were not able to control? The fact is, and that has been repeatedly asserted, that in spite of requests, the officer in charge of the police-station, although he had constables, did not offer any resistance whatever to these reported acts of plunder and *goondaism*. What was the reply? The Inspector in charge of the police-station sent a reply to the District Magitsrate that the riot was spreading to the Narsinghdi side. That was the reply which was sent by the police officer. Why did not the police officer—that is the statement made by the Hon'ble Sir Bijoy Prasad Singh Roy in the Upper House—why did not the police officer say "Situation uncontrollable, send military police or send reinforcement of police force"? Then what happened? The Additional District Magistrate went. Why did he go unaccompanied by an adequate police force? Why was this information kept back from him that properties had been destroyed and looted and that people were fleeing? What was the reason? Why was it kept back?

Of course, it has come to our knowledge that forcible conversions have taken place and that men and women have been kept detained and for the last three days we have been making frantic efforts for the purpose of persuading the Government to send out rescue parties of Hindus accompanied by police officers with armed guards—a prayer which was granted only yesterday——

(At this stage, the member having reached the time-limit, resumed his seat.)

Mr. SARAT CHANDRA BOSE: Mr. Speaker, in rising to support the adjournment motion, I feel confident that notwithstanding the atmosphere inside the House, and particularly that portion of the House which is in front of me, I shall be able to speak without any communal bias or passion. Sir, I have had the opportunity of speaking in this House for the good part of four years, and I challenge my friends opposite to point to a single utterence of mine where there has been any trace of communal bias or passion. (Voices from the Coalition Benches: "We never said that.") I also speak with the advantage of seeing with my own eyes the havoc which was done at Dacca. Sir, I am indebted to the local officials for giving me a guide to point out to me the different places, both Hindu and Muslim, which had been destroyed at Dacca, and I had the opportunity of speaking to the people of Dacca, particularly to those whose homes had been desecrated, whose business had been ruined, whose properties had been looted and whose mansions had been burnt. Sir, I say with the utmost confidence that the local officials of Dacca were guilty of the grossest neglect and the grossest default in carrying on the administration, the normal administration (A voice from the Coalition Benches: "Question!") and it is on account of their negligence that the riot at Dacca assumed the proportions it did assume. It is not as if I am making these charges behind the back of these officials. I made these charges in front of these officials before I left Dacca, and up till now those charges remain unanswered. Lest it might be said that these charges which were made verbally were not made, I took good care immediately on my return to Calcutta to send a telegram to the District Magistrate of Dacca and a copy of the same telegram to the Divisional Commissioner in these terms:—

> "Suggested Commissioner yesterday Hindu-Muslim University students should form joint squads and patrol the city or that the University Corps should do the same and that well-known *goondas* should be rounded up to prevent stray stabbing. Also communicated Commissioner my considered opinion that looting and burning at many places were preventible."

The Commissioner replied that that would form the subject matter of enquiry. Since I spoke to the Divisional Commissioner over the 'phone

—and I spoke to him for good fifteen minutes—was any attempt made by him or his subordinate officials to round up the well-known *goondas* of Dacca? All that he told me over the 'phone was that one well-known *goonda* had left the city as if that was all that was necessary to be done! I ask the Government what have the Commissioner, the District Magistrate or any of the local officials done to round up the well-known *goondas* of Dacca? I say, Sir, nothing has been done up to this moment.

On the 28th of last month, I received a letter from my esteemed friend, Mr. Akhil Bandhu Guha of Dhakeswari Cotton Mills, a man who is well known and who takes no side in politics. He wrote to me, "We have information as to where some of the looted properties were being kept. The District Magistrate was informed, but he does not seem to take any active steps to trace them." I can, Sir, well drop the words "does not seem." I have personal knowledge of that fact. My esteemed colleague and friend Mr. Atul Chandra Sen gave the District Magistrate the number of the motor bus in which looted properties were carried. That number was noted by the District Magistrate on a piece of paper in front of him. And will the House be surprised to learn that when on the next day Mr. Sen asked the District Magistrate whether any attempts were made to trace the motor bus in which looted properties were being carried, the answer was, "I have lost that slip of paper." (Cries of "Shame!" from the Congress Benches.) That letter of Mr. Akhil Bandhu Guha was followed by another letter written to the District Magistrate himself by Mr Bimalananda Das-Gupta, Mr. S. K. Basu and Mr. Girish Chandra Das, a well-known advocate of Dacca, and in that letter a definite charge was made against him that "unfortunately none of our requests has to our knowledge up till now, in spite of your repeated assurances, received due attention." That was not all. They add, "The measures which we have suggested would have stopped loss of life and property on the one hand and enabled you to trace out and fasten the responsibility on the culprits on the other. But nothing was done. We further say that many unfortunate persons have been taken into custody while most of the *goondas* are still at large, in spite of our repeated representations." I ask the Hon'ble Chief Minister to enquire of this District Magistrate what he has been doing since the 29th of March last. That was not all. They go on to say, "Assaults, murder and arson were committed in the presence of the police and the armed pickets, as the pickets had no intructions to prevent the same or to take adequate measures against the same." Sir, it will be a surprise of surprises to the House if I read the next few lines of that representation. "This was admitted by Mr. Jenkins." What is the admission? "The pickets had no instructions to prevent assaults, murder and arson." This was admitted by Mr. Jenkins.

Mr. K. SHAHABUDDIN: It was never admitted.

Mr. SARAT CHANDRA BOSE: I do not know if the Government Whip whose presence in the city of Dacca and in the outskirts unfortunately synchronised with the outbursts of looting and arson is holding a brief here for Mr. Jenkins. I want a reply. And in this connection, Sir, I ought to tell you and through you to the House that I made a demand on the Chief Minister and the Governor of the province—I made the demand four or five days back—that Mr. Shahabuddin, Mr. Nasarullah and Mr. Salim should be ordered to quit Dacca in the interests of law and order. Sir, it was admitted by Mr. Jenkins ——(Mr. K. SHAHABUDDIN: "It was not admitted.") If it was not admitted, what prevented Mr. George from saying that it was not admitted? And how is it that the District Magistrate has now to depend on an advocate of the nature and character of Mr. Shahabuddin? Then, the signatories add, "the head of the police seems to contradict that prevention is better than cure." Sir, even that is not all. On the 2nd of April, 1941—I have with me a copy of a telegram sent by Mr. Hatch-Barnwell, and the Chief Minister will contradict me if my copy happens to be incorrect—Mr. Hatch-Barnwell who was sent to Narsinghdi seven days ago, viz., on the 2nd April, 1941. He sent this telegram to his official superior, the District Magistrate of Dacca: "Affected area three miles east of Narsinghdi and two miles west of Bhairab," that is, "within four miles by four miles." "Methikanda station surrounded by rioters. Suresh Babu's house" - meaning Suresh Chandra Pal, a well-known gentleman of Narsinghdi - "burnt down. Rioters coming from the other side of Brahmaputra. Police force insufficient. Have not been able to come in contact with the police-station. A big fire visible from the north of Daulatkandi. The whole force has been divided into three parts under Mukherji, Rhodes and Saddler." May I ask, even after the receipt of this telegram what steps did Mr. George, the District Magistrate of Dacca, take to send relief to his subordinate, Mr. Hatch-Barnwell?

I now come to another letter of Mr. Das-Gupta written to the Magistrate and signed not only by Mr. Das-Gupta himself but also by Mr. Nalini Kishore Guha and Mr. Satish Chandra Chakravarty, which runs as follows:—

> "We very much regret to note that what we apprehended long ago and told you several times has now taken place."

The District Magistrate was warned. They said "What we apprehended long ago and told you several times has now taken place and the riot and arson by *goondas* have been carried far into the interior villages, viz., Sibpur, Raipura and Narsinghdi, and it will affect the whole province in no time, in particular, the helpless Hindus in the province."

Then, Sir, I come to the most vital part of the charges made against Mr. George and it is in these words: "You arrange to take Muslim leaders like Mr. Salim, Mr. Nasarullah and others whenever you visit the affected areas, but you never care to take any Hindu leader with you where the Hindus are oppressed." This is the sort of Magistrate who is now presiding over the destinies of Dacca.

Sir, Mr. Hatch-Barnwell—I sympathise with him in his distress—sent a further telegram which I shall read before the House. That telegram was to this effect—and I hope the Chief Minister will correct me if I have got an incorrect copy of that telegram—"Appears five Hindu quarters burnt; approximately 3,000 people homeless; culprits about 20 *goondas* and 200 locals"—by that he meant that it was known to him, that 20 leading *goondas* were imported from outside and that they were leading 200 locals—"in one band going from village to village; no police visible; some police required."—a telegram from Mr. Hatch-Barnwell to the effect that "no police visible; some police required." It will take me hours and hours if I were to read out before the House the acts of oppression on innocent citizens of Dacca. But if I had the time I could read out signed statements, statements made before me and statements sent by leading citizens of that area who have graphically described the insults and oppression on Hindu inhabitants and looting and burning of Hindu houses in the Narayanganj subdivision.

Sir, I am not unmindful of the fact that mosques have been desecrated. I have said elsewhere that not only mosques but also temples have been desecrated, but I did never let go one word to the effect that my ribs had been broken because a Hindu temple had been broken. I have more control over myself. I know that such inflammatory statements spread like wild fire. I claim to be in my private life not a less pious Hindu than any of my friends of the Hindu Mahasabha; but that has nothing to do with my politics. So far as this riot is concerned—I need hardly say who are responsible, whether it is the Hindus or the Muhammadans—my charge against the Government is that they have allowed incompetent district officials and incompetent police officers, who are not fair, who are not independent, who are not impartial, to preside over the destinies of Dacca and Narayanganj.

One more statement, Sir, and I resume my seat. I have made the demand in all seriousness, and I want to repeat the demand in the presence of the House that, having regard to what has been happening since the middle of last month, the Hon'ble the Home Minister must go. It was the duty of the Hon'ble the Home Minister to come out of his retreat at Hazaribagh and go to Dacca and Narayanganj and take action. In spite of the fact that he has been restored to health, and my authority for that is Mr. Shahabuddin himself, he is fiddling at Hazaribagh while Dacca is burning.

Mr. K. SHAHABUDDIN: On a point of personal explanation, Sir. As far as the statement read out by Mr. Bose in the course of his speech is concerned, a copy of that letter was handed over to me by Mr. Bose at another place, and while at Dacca I had an opportunity of verifying as to how far it was correct. And I have been definitely authorised to say that it is an absolutely false statement.

Mr. SARAT CHANDRA BOSE: Is that permissible, Mr. Speaker? Is that a personal statement? Who authorised him to say that? He is not a part of the Executive Government.

Mr. SPEAKER: As Parliamentary Secretary, he is.

Mr. SARAT CHANDRA BOSE: But he is not entitled to represent the Executive Government here.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, when I was a boy at school I had a class-mate who was responsible for all the disturbances in the class-room, but as soon as he committed some offence, he used to shout the loudest in order to show that everybody in the class but himself was in the wrong. The attitude that has been taken up by some of my friends in speaking in support of this motion has reminded me of the case of that old class-mate of mine. For four years they have been singing that hymn of hate, both against this Ministry and the Muslim community. They have encouraged people to come out and break laws and set not merely law at defiance but, if I may be allowed to quote from a speech delivered by my friend Dr. Syamaprosad Mookerjee, he made peaceful administration in Bengal impossible. Having done that, having prepared the ground and having perfected their plans, things naturally began to develop themselves. It is not the 17th of March that is of much importance. The real trouble in Dacca began on the evening of the 14th March in a lane near the old Dacca College when some Hindu youths sprinkled coloured water on some Muslim boys. An old man who was passing by protested. He was caught by the beard, his whole body was sprinkled with the coloured water and blows were given on his head and he was removed to hospital. I have seen that man and I have talked to him. I recorded his statement. I had been to the hospital and I have seen the hospital diary. Immediately after the 14th for two days, the 15th and 16th, the whole of Dacca was tense with excitement, but although stabbing was going on and Muslims were being stabbed, not one Hindu was stabbed in retaliation by the Muslims. It was on the 17th that mosques began to be attacked, first the Nawabpur mosque and then two mosques in Malitolla were burned and demolished. The Holy Koran was torn to pieces. I went to a mosque and I found that mosque still burning; the leaves of the Koran were strewn on the floor and shoes were placed on the leaves of the Koran (Cries of "Shame!

shame!" from the Coalition Benches.) and it occurred in an area inhabited not by *goondas* but by *bhadrologs*, perhaps graduates of Dr. Syamaprosad Mookerjee's University. This was not all. I have been getting definite evidence, although it is not yet confirmed by police reports, that immediately after this Hindu youths dressed in *lungis* and with red caps on went to various villages in the district of Dacca inciting the Muslim to rise and attack the Hindus. (Laughter from the Opposition Benches.) You may laugh, but this is what they did. They said that mosques have been demolished, that mosques have been burnt to ruin, it is now the turn of the Muslims to retaliate. You may laugh, but it is a part of a preconceived policy. Hindus knew that if once Muslim passions were aroused, they would go to excesses and the Hindus knew how to retaliate afterwards. Sir, I am not going to make a communal speech, but because all these statements had been made, I thought it my duty to correct the misrepresentations that have been made in this House.

Now, Sir, my friend Rai Harendra Nath Chaudhuri has asked very naively why was it that tardy requisitions of police have been made, although the situation in Dacca was so acute. May I tell the House that on and after this Holi festival the whole of Bengal was tense with excitement and almost every district apprehended an outbreak of communalism at any moment. Police was requisitioned, and it was with great difficulty that driblets have to be brought from various districts in order to strengthen the police force that already existed in Dacca. It has been said that the people of Dacca had not got immediate help. Consider the situation, Sir. Sporadic stabbings were going on. People used to come out of their houses, catch hold of a stray passer-by and stab him and run away. How is it possible for the officials there to stop this kind of stabbing on innocent persons without any indication whatsoever being given as to what they were going to do? Now, Sir, I have seen, when I first went to Dacca, the District Magistrate and the Superintendent of Police were never sparing themselves. As soon as they got news of any occurrence anywhere, they used to rush to those places, take every possible step to put down first of all fire or anything that was taking place and try to catch also the offenders who might be there.

Mr. ATUL CHANDRA SEN: But not the Muslim *goondas*.

The Hon'ble Mr. A. K. FAZLUL HUQ: Mr. Atul Chandra Sen is not the purveyor of truth. There are other people who state facts.

Mr. ATUL CHANDRA SEN: Sir, may I ask a question of the Hon'ble Chief Minister?

Mr. SPEAKER: No.

The Hon'ble Mr. A. K. FAZLUL HUQ: My friend Mr. Nalini Ranjan Sarker has said that if members of the Muslim community had been in this plight, what would I have done. Sir, I think I can say with a clear conscience that in a case like this I would make no distinction between a Hindu and a Muslim in distress. May I tell my friend Mr. Sarker that at this moment while he is thinking only of the Hindu refugees in Comilla and Tripura, there are thousands and thousands of Muslims who have been rendered homeless, and there are mosques which have been burnt for which there has been no condemnation by the Hindu leaders. Korans have been desecrated and Muslim women have been molested. (Cries of "Where where?" from the Opposition Benches.)

Mr. SPEAKER: Order, order. There have been statements without evidence from the side (indicating the Opposition); let there be statements from the other side.

Mr. SARAT CHANDRA BOSE: My statements were based on evidence.

Mr. M. SHAMSUDDIN AHMED: If the Muslims have been murdered, that is also a censure on the Government.

The Hon'ble Mr. A. K. FAZLUL HUQ: At the present moment there are persons who have been rendered homeless—both Hindus and Muslims—and they are all entitled to our sympathy. All I say is that we as Government are prepared to extend relief measures to the utmost possible extent irrespective of any caste, community or creed. We have already sanctioned Rs. 50,000 and will go up to Rs. 1,00,000, if necessary, in order to supplement the activities of the relief measures.

Mr. M. SHAMSUDDIN AHMED: You are the author of all troubles.

Mr. SYED BADRUDDUJA: He is not the author. There are many mischief-mongers in the province.

Mr. SANTOSH KUMAR BASU: He is the editor, not the author.

The Hon'ble Mr. A. K. FAZLUL HUQ: My friend Mr. Gupta has read out a list of people who have been rendered homeless. Why has he not the common courtesy to make out a list of Muslims also?

Mr. JOGESH CHANDRA GUPTA: You better give it. Let us have a list of the Muslims.

The Hon'ble Mr. A. K. FAZLUL HUQ: My friend Dr. Syamaprosad Mookerjee has said that he never attacked the Muslims as such. I am not going to discuss the situation now. That can be done at some other time. Let me remind him at the present moment of the speech at Jalpaiguri reported in the *Nishan* where he said that if the Muslims wanted to live in India, they will have to do so under the domination of the Hindus.

At Nawabpore, on the 11th February, speaking on Pakisthan, he said that if the Muslims wanted to live in Pakisthan they must pack up their bag and baggage and leave India and go wherever they like. (Mr. NALINI RANJAN SARKER: "Hindus will not accept Pakisthan.")

Sir, I do not want to take up the time of the House with these details. I am very much obliged to the Leader of the Opposition for the speech he has delivered which I must admit has been inoffensive except for one reference to some persons who could have been able to defend themselves had they been given a chance. He has been entirely mistaken. He has not disclosed the source of his information, and I may say that the telegram of Mr. Hatch-Barnwell which he has read out is a revelation to us of which we know nothing.

Mr. SARAT CHANDRA BOSE: Ask the District Magistrate.

The Hon'ble Mr. A. K. FAZLUL HUQ: I will certainly ask him. Mr. Bose has said that nothing has been done to round up the *goondas*. I may tell this House that every possible precaution has been taken to find out that those people who have been guilty of offences in the rural areas may not escape and cross over to other districts. As a matter of fact, the situation has been brought under control. The Government, it is said, have taken no effective steps. What better steps could they have taken than what they did? But I may say, Sir, that the manner in which the disturbances in Dacca have been practically quelled, the manner in which the difficult situation in the rural areas has been brought under control is certainly proof positive that the officials have been properly doing their duty. I remember the occasions when disturbances of this kind have gone on for months without the situation having been brought under control. In this case the situation at Dacca was brought under control well within a week and so far as the rural areas are concerned, the whole situation has been brought under control and it has been localised. As a matter of fact, efforts are now being made, and we are making arrangements for the trial of persons who have been arrested.

I must say this: I admit that this Government have been somewhat failing in their duty to deal promptly with persons who have been the breakers of law. I say here and now that we will not tolerate anything like that in future. Whoever creates communal disturbance,

whether Hindu or Muslim, will be severely dealt with. I give this solemn warning to those who wish to disturb communal peace by making speeches. Let them do it some day, and I will not hesitate to accept the verdict of this House.

(At this stage there were interruptions from the Congress and the Krishak-Proja Party Benches.)

If the members are not willing to listen to me, how can I speak? I don't want to say anything more.

The motion that the House do now adjourn, was then put and a division taken, with the following result:—

AYES—67.

Abu Hossain Sarkar, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibapath.
Barma, Babu Prembari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Jatindra Nath.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Choudhuri, Rai Narendra Nath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Ghose, Mr. Atul Krishna.
Ginsuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Khaitan, Mr. Debi Prosad.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Mahtab, Maharajkumar Uday Chand.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prosad.
Manirozzaman Islamabadi, Maulvi Md.
Mookerjee, Dr. Syamaprasad.
Mukerjee, Mr. Tarakhath, M.B.E.
Mukerji, Mr. Dhirendra Narayan.
Mullick, Srijut Ashutosh.
Naskar, Mr. Nem Chandra.
Pain, Mr. Sarada Prosanna.
Paul, Sir Hari Shankar.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sarkar, Mr. Nalini Ranjan.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maninder Bhusan.
Tapurish, Rai Bahadur Moongtu Lall.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—107.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar Pulwan, Mr. Md.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdul Motalib Malik, Dr.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.

Abul Hashim, Maulvi.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alifazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Sarwar Hossini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Golam Rabbani Ahamed.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemaliy Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Karam Ali Mirza, Sahibzada Kawar Jah Syed.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Manirudden Akhand, Maulvi.
Miles, Mr. C. W.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Azmi, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Soleiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqawsal Haque, Mr. Syed.
Nooruddin, Mr. K.
Norton, Mr. H. R.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Sanaullah, Dr.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Stark, Mr. A. F.
Spoller, Mr. J. H.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brahent.
Steven, Mr. J. W. R.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.

The Ayes being 67 and the Noes 107, the motion was lost.

Message of thanks to His Highness the Maharaja of Tripura.

The Hon'ble Mr. A. K. FAZLUL HUQ: May I, Sir, at this stage make a statement regarding a matter which, I think it is my duty as a member of Government to make and which I wanted to make previously, but failed to do on account of the fact that my time was up. I refer to the very generous manner in which His Highness the Maharaja of Tripura has come forward to give refuge to the persons who had left their homes in British territory in their distress. I take this opportunity of offering the grateful thanks of the Government of Bengal to His Highness, and we hope that the example set by His Highness the Maharaja Bahadur has in it nothing communal, but is one

from a sense of supreme duty of helping the Indians in distress, which will be appreciated by everybody, high and low. I may inform the House once again that the Government of Bengal have sent Rs. 10,000 for the relief of the distressed people and will send more in order to render adequate relief to the people in distress.

Adjournment.

It being 8-15 p.m.—

The House was adjourned till 4-45 p.m., on Monday, the 21st April, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 21st April, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 7 Hon'ble Ministers and 159 members.

Obituary.

Mr. SPEAKER: Ladies and gentlemen, the House must have been very grieved to learn the sad and sudden death of Mr. S. A. Gomes, who represented the Dacca Division (Indian Christian) Constituency in this House. He was a man of unostentatious manners and yet connected with various aspects of public life As a member of this House he pleased everybody on account of his pleasant manners. I think it is our duty on this occasion to send a message of condolence to the bereaved family as a mark of our deep sympathy. I hope you will kindly rise in your seats to signify your assent.

(Members rose in their seats.)

Thank you, ladies and gentlemen.

Following the established convention, the House will stand adjourned till to-morrow.

Adjournment.

The House was adjourned at 4-55 p.m. till 4-45 p.m. on Tuesday, the 22nd April, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 22nd April, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 6 Hon'ble Ministers and 189 members.

Posting of Police.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, before the questions are taken up, may we draw the attention of yourself to the fact that at the tag-end of the session an unusually large number of police force has been posted round and about this chamber. I do not know whether it is meant for protection, but I communicate to you our view that the presence of this large number of police force has the effect of annoyance upon the members and their guests who come.

Mr. SPEAKER: I didn't notice it.

Mr. SASANKA SEKHAR SANYAL: Probably the Speaker is not annoyed because that side is free from any police interference, but the other sides are.

STARRED QUESTIONS

(to which oral answers were given)

Abdul Gaffur, convicted in "Binapani Abduction Case".

*230. **Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether—

(*i*) it is a fact that one Abdul Gaffur, President of a Union Board in the Madaripur subdivision of the Faridpur district, was convicted and sentenced to rigorous imprisonment and fined in the "Binapani Abduction Case"; and

(*ii*) he was released about October, 1940?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the fine realised has since been refunded to him?

(*c*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the reason for the refund of the fine;

(*ii*) the amount of the fine refunded;

(*iii*) the date of such refund;

(*iv*) the date of his conviction by the trial court; and

(*v*) the date of the dismissal of his appeal, if any?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) One Abdul Gaffur Kotwal was convicted under sections 366/498/354, Indian Penal Code. He was sentenced to rigorous imprisonment for 5 years and to a fine of Rs. 500, in default rigorous imprisonment for another year. On appeal, the Hon'ble High Court reduced the sentence to rigorous imprisonment for one and a half years. He was released on the 30th September, 1938. Government has no information that this man was President of a Union Board.

(*b*) Does not arise.

(*c*) (*i*) to (*iii*) Do not arise.

(*iv*) The 22nd March, 1937. The date of appeal was the 23rd August, 1937.

(*v*) The sentence was modified as stated above.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, replying to a similar question on the 9th April, said that this Abdul Gaffur Kotwal was the President of that Union Board?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no information.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that under the Village Self-Government Act a person convicted for more than six months of an offence involving moral turpitude is not eligible to be a member——

Mr. SPEAKER: That question cannot be addressed to the Home Department.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the fine was realised from this particular person?

Mr. SPEAKER: The sentence has been reduced by the High Court.

Mr. SURENDRA NATH BISWAS: Before the High Court reduced the sentence, I want to know whether the fine was realised.

Mr. SPEAKER: That question does not arise.

Resuscitation of the Kapotakshi river.

*231. **Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*i*) what is the average depth of the river Kapotakshi in summer;

(*ii*) whether it is being silted up;

(*iii*) whether the water-hyacinth has been polluting the river; and

(*iv*) whether the people are suffering from malaria and other diseases?

(*b*) If the answers to (*a*) (*ii*), (*iii*) and (*iv*) are in the affirmative, is the Hon'ble Minister considering the desirability of resuscitating the river?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) Near the offtake there is hardly any water; down below there are stagnant pools here and there up to Jhikargachha (Eastern Bengal Railway crossing): further down, the river is tidal and has sufficient depth for boat navigation in summer.

(*ii*) In the upper portion there is no progressive siltation.

(*iii*) and (*iv*) Yes.

(*b*) and (*c*) A proposal for resuscitating the Kapotakshi river along with the Bhairab and the Mathabhanga rivers is being examined.

Mr. ATUL KRISHNA GHOSE: Does the Hon'ble Minister who is now replying remember the fact that he himself received an address of welcome and gave an assurance to the people of that locality that the scheme would be expedited some two years back?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I don't remember.

Mr. ATUL KRISHNA GHOSE: Was it five years back?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not remember it at all.

Mr. ATUL KRISHNA GHOSE: Was it during the régimé of the previous Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The previous Government is long dead.

Mr. ATUL KRISHNA GHOSE: Does the Hon'ble Minister remember at all having received a welcome address from that quarter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state who was examining this problem and when this examination began?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The experts of the Irrigation Department are examining the problem. As regards the question when the examination began, I ask for notice.

Report of the Chaukidari Enquiry Committee.

*232. **Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(a) whether the Government have received the report of the Chaukidari Enquiry Committee; if so, when;

(b) what are the recommendations of the Committee with reference to the following question, as per terms of reference:—

"Whether the Union Boards should continue to bear the whole cost of their (chaukidars and dafadars) employment or whether the Provincial Government should bear the whole or any portion of it?"

(c) when the Government expect to formulate their decision with reference to the above question; and

(d) when the report of the Chaukidari Committee will be published for general information?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes. On the 24th August, 1940.

(*b*) The recommendations are still under consideration and cannot therefore be disclosed.

(*c*) As soon as the recommendation has been fully considered.

(*d*) This matter is still under consideration.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether after his assurances on the 17th and 19th of March last, in the course of the Budget discussion, the matter was considered afresh by the Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: The matter is being considered, but as I have said unless the whole report is considered and some decision taken, I am not in a position to make any statement with regard to this particular question.

Mr. SASANKA SEKHAR SANYAL: That is not my question. After the Hon'ble Minister was pleased to give us assurances, was the matter considered afresh?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, we are considering.

Prevalence of malaria in Jessore district and distribution of quinine there.

***233. Mr. ATUL KRISHNA GHOSE:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware of the fact that there has been widespread attack of malaria in the district of Jessore during the year 1940?

(*b*) Will the Hon'ble Minister be pleased to state the number of people that have been affected by malaria in the district during the year 1940, and whether the disease is still prevalent there?

(*c*) Is the Hon'ble Minister aware of the fact that the malaria-stricken people of the district are suffering for the high price of quinine?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the steps taken by Government to prevent malaria in the district of Jessore; and

(*ii*) the amount of quinine sanctioned for the district for the year 1939-40?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) The number of cases of malaria treated in the hospitals and dispensaries until November, 1940, rose to 118,850. The actual number of cases is likely to be much larger. Malaria is still prevalent in the district.

(*c*) The price of quinine had to be raised in relation to the market conditions of the world, and the rise in the price of quinine has to some extent affected the people suffering from malaria, who do not go to hospitals and do not participate in the free distribution of quinine.

(*d*) (*i*) During the current year, besides the normal grant of Rs.14,050 for free distribution of quinine through the recognised agencies, a special supply of 105 pounds of cinchona febrifuge powder, 55 pounds of cinchona febrifuge tablets, 4 pounds of quinine sulphate powder, 115 pounds of quinine sulphate tablets, 20,000 plasmochin tablets and 1,500 quinine ampoules has also been made. Thirty-five epidemic doctors have also been sent to the district.

(*ii*) Besides the normal grant of Rs.9,650 for free distribution of quinine through recognised agencies, a grant of Rs.1,000 was also sanctioned from the reserve at the disposal of the Director of Public Health. The following further supplies were also made to this district during 1939-40:—

(1) 4 lbs of quinine tannate tablets.

(2) 4 lbs. of crude quinine sulphate tablets.

(3) 20 lbs. of quinine sulphate tablets.

(4) One lb. of cinchona febrifuge tablets

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the period of time for which these thirty-five doctors were deputed and also mention the names of the places where they were sent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to explain to the House the meaning of the word "febrifuge" and also what is the effect of the use of these tablets?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a by product of quinine sulphate.

Mr. SASANKA SEKHAR SANYAL: And why it is used?

Mr. SPEAKER: Take it from me, Mr. Sanyal, that it is not for Sir Bijoy to answer that question.

Appointment of Sub-Inspectors of Excise in 1940.

***234. Maulvi MD. ABDUS SHAHEED:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing—

(*i*) name and qualifications of—

(1) Muslim,

(2) Hindu, and

(3) Scheduled Caste,

Excise Sub-Inspectors appointed in the year 1940; and

(*ii*) the minimum qualifications for the post?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) how many of these newly appointed Excise Sub-Inspectors are relations of the officers of the Excise Department;

(*ii*) what are the names of the Sub-Inspectors and their relations in the Excise Department with a reference to the nature of their relationship; and

(*iii*) unlike other departments of the Government whether there is any standing order to the effect that relations of officers of the Excise Department would get a certain percentage of appointments in the department?

(*c*) If the answer to (*b*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact that the present Excise Commissioner remains present when the interviews are given to the candidates by the Public Service Commission?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) (*i*) A statement is laid on the table.

(*ii*) The candidate must be a graduate of a British or Indian University or in the case of a domiciled European or Anglo-Indian, have passed the Senior Cambridge Examination or its equivalent. In special cases and for reasons to be recorded in writing, the Excise Commissioner may relax the rule regarding educational qualifications with the approval of the Provincial Government.

(*b*) (*i*) Three.

(*ii*) (1) Babu Narendra Nath Mukherjee, brother of Deputy Commissioner of Excise, Preventive.

(2) Babu Nripendra Nath Sen, son of Inspector-in-charge of Bakarganj.

(3) Maulvi Anisur Rahman, brother-in-law of Superintendent of Excise, 24-Parganas.

(*iii*) There is no such order.

(*c*) Does not arise.

(*d*) Under the recruitment rules the Public Service Commission perform the functions of the Selection Committee, the Excise Commissioner sitting with them for the purpose.

Statement referred to in the reply to clause (a)(i) of starred question No. 234, showing the names, community and qualifications of the Excise Sub-Inspectors appointed in the year 1940.

	Name.	Qualification.	Community.	Remarks.
1.	Maulvi Md. Tofazzal Hussain.	B.A. ..	Muslim.	
2.	Maulvi Md. Ansar Ali ..	B.Sc. ..	Do.	
3.	Maulvi Amanat Ali ..	B.A. ..	Do.	
4.	Maulvi Anisur Rahman	B.A. ..	Do.	
5.	Maulvi Rahamatulla Sarkar.	B.Sc. ..	Do.	
6.	Maulvi A. K. M. Abdul Karim.	B.A. .. (Hon.).	Do.	
7.	Maulvi Sk. Md. Israfil ..	B.A. ..	Do.	
8.	Maulvi Md. Sarwar Hossain.	B.A. ..	Do.	
9.	Maulvi Ishaque Bhuiya	..	Do. ..	Promoted from the rank of petty officer.
10.	Babu Premananda Chakravarty.	B.A. ..	Caste Hindu.	
11.	Babu Narendra Nath Mukherjee.	M.A. ..	Do.	
12.	Babu Nripendra Nath Sen	B.A. ..	Do.	
13.	Babu Prafulla Ranjan Das	B.Sc. ..	Do.	
14.	Babu Chandra Lal Rai ..	I.A. ..	..	A member of the Hill Tribes. He was appointed as a special case, with the approval of Government.
15.	Babu Surendra Nath Bala.	B.A. ..	Scheduled Caste.	
16.	Babu Jatindra Nath Mondal.	M.A. ..	Do.	

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if among the candidates who were not appointed there were some who were more educationally qualified than those who were appointed and specially than those who were related to the officers of the Excise Department?

Mr. SPEAKER: How can he say that? It is a matter for the Public Service Commission. You should put a separate question.

Mr. NISHITHA NATH KUNDU: It may be within the knowledge of the Hon'ble Minister, and if there is any such case he should interfere.

Mr. SPEAKER: But I am afraid, it would be a dangerous practice for the House itself to allow the Government to interfere in such cases.

Reduced stipends for gurus in Guru Training Schools.

*235. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the monthly stipend of the *gurus* in the Guru Training School has been reduced from January, 1941, from Rs.10 to Rs.7; and

(*ii*) that the reduction of stipend has caused hardship to the *gurus*?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(*c*) Is the Hon'ble Minister considering the desirability of restoring the old rate of stipend at Rs.10 per month?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The honourable member is referred to the reply given on the 3rd April, 1941, to starred question No. 203.

Annual income and expenditure of the Mohsin's Fund estate.

*236. **Maulana MD. ABDUL AZIZ:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the total net annual income of Haji Mohsin's Fund estate (including G. P. Notes)?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the major heads under which the amount spent; and

(*ii*) the amount spent under each head?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement showing the average annual income and expenditure of the Mohsin Endowment Fund is laid on the table.

Statement referred to in the reply to starred question No. 236.

Receipts.

	Rs.
Normal remittance from the Syedpur Estate ..	60,000
Interest on fixed endowment	36,903
Miscellaneous	100
	97,003

Expenditure.

	Rs.
Mutwalli	6,667
Imambara Committee	20,000
Imambara establishment	9,909
Local Agent's establishment	1,246
Medical contribution to hospital	12,286
Unani dispensary	2,353
Scholarships and stipends	37,900
Scholarship for study abroad	3,800
Contribution to the Government of Bihar ..	1,360
Contribution to the Government of Orissa ..	340
Investment towards repairs of Imambaria buildings	1,000
Total ..	96,861

Communal ratio of the staff in the Irrigation Department.

***237. Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) the present number of employees in the Irrigation Department under each of the following heads:—

(1) Cashiers,

(2) Overseers,

(3) Toll-collectors, and

(4) Clerks;

(*ii*) the number of them that are—

(1) Hindus, and

(2) Muslims;

(*iii*) the number of new appointments that have been made in the department between April, 1937, and February, 1941, under each of the aforesaid grades; and

(*iv*) the number of such appointments that have gone to—

(1) Hindus, and

(2) Muslims?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The collection of the information called for by the honourable member would involve an expenditure of time, labour and money which it would be difficult to justify in view of the recent decision of Government regarding the percentage of appointments to be filled by each community. He needs no special assurance from me that that decision is being implemented in the department of which I am in charge.

Sluice gate on the right bank of the Damodar river.

***238. Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state what is the present condition of the sluice gate at "Nakrahana" on the right bank of the Damodar river?

(*b*) Do the Government contemplate the construction of a "bund" instead of a sluice gate?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state when such construction is likely to be taken up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) I am informed that the regulator was slightly damaged during the floods last year. Necessary repairs will be done before the next flood season.

(*b*) No.

(*c*) Does not arise.

Malaria havoc in Netrokona subdivision.

***239. Mr. MONOMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether there has been a serious type of malaria

havoc in Netrokona subdivision, particularly at Kendua, Netrokona and Purba-dhalla and Iswarganj, Nondail and Fulpur of Mymensingh Sadar North subdivision?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government have taken for the protection of the people of the affected areas from the epidemic?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing, thana by thana, month by month from January to December, 1940, the number of deaths from the malaria havoc—

(*i*) of all the thanas of the Netrokona subdivision; and

(*ii*) Iswarganj, Nandail and Fulpur thanas of the Sadar North subdivision, Mymensingh?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the quantity of quinine distributed in the affected area; and

(*ii*) the cost incurred for the same?

(*e*) Do the Government contemplate to start one charitable dispensary in every union of the above subdivisions in the near future?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) It appears from the report of the Director of Public Health that the incidence of malaria has been less in 1940 compared to the previous year but the cases of mortality are larger.

(*b*) The honourable member is referred to the answer given by me to clause (*b*) of the starred question No. 124, dated the 7th March, 1941.

(*c*) A statement is laid on the Library table.

(*d*) Information is not readily available as regards particular areas. The honourable member is referred to the reply given to clause (*b*) above.

(*e*) A scheme for reorganisation of public health services which contemplates one treatment centre between two Union Boards with subsidiary centres is under the consideration of the Government The District Board of Mymensingh, however, have not yet agreed to accept the scheme.

A separate proposal for making capital grants in aid towards establishment of a dispensary between two Union Boards which will fit in with the reorganisation scheme is also under examination.

Free Primary (Upper Primary) Examination in Mymensingh during 1939-40.

*240. **Mr. MIRZA ABDUL HAFIZ:** Will the Hon'ble Minister in charge of the Education Department be pleased to state, subdivision by subdivision, in the district of Mymensingh,—

(a) the number of students who appeared in the Free Primary (i.e., Upper Primary) Examination in the year—

(1) 1939, and

(2) 1940;

(b) the number and name of the centres of the Upper Primary Examination in each subdivision; and

(c) the number of scholarships meant for the specially meritorious boys?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement furnishing the information is laid on the table.

Statement referred to in the reply to starred question No. 240.

Subdivision.	1939.	1940.
(a) Mymensingh Sadar	1,661	2,394
Jamalpur	1,017	1,602
Tangail	1,567	2,265
Netrokona	731	945
Kishoreganj	1,140	1,655
Total ..	6,116	8,861

1939.

Subdivision.	No. of centres.	Name of centres.
(b) Mymensingh Sadar ..	14	Mymensingh Edward, City, Darirampur, Senbari, Gafargaon high English, Bhaluka middle English, Ghandipasha high English, Iswarganj, Gouripur, Kandipara, Muktagacha, Ghoshgaon, Fulbaria middle English, Haluaghat middle English.

Subdivision.	No. of centres	Name of centres.
Jamalpur	10	Jamalpur Government high English, Singjani high English, Nandina, Sherpur V. A., Chandrakona, Balijuri, Bakshiganj, Dewanganj, Islampur, Pingna.
Tangail	8	High English—Tangail B. B., Kalihati, Suti V. M., Dhanbari, Nagarpur, Mirzapur. Middle English—Ghatail, Basail.
Netrokona	7	High English—Netrokona, Dutt, Netrokona Chandranath, Barhatta, Mohanganj, Teligati, Kendua Sandikona.
Kishoreganj	9 — 48 —	High English—Kishoreganj, Kishoreganj Azimuddin, Husainpur, Bajitpur, Govindapur, Achmita, Bhairab. High Madrasah—Pakundia. Middle English—Karimganj.

1940.

Mymensingh Sadar ..	8	High English—Mymensingh Zilla, City, Darirampur, Muktagacha, Ghoshgaon, Gafargaon, Chandipasha, Iswarganj, Jamalpur.
Jamalpur	9	Middle English—Jamalpur Government, Sherpur V. A., Nandina, Bakshiganj, Chandrakona, Pingna, Sharishabari, Dewanganj, Balijuri.
Tangail	8	High English—Tangail B. B., Tangail Sibnath, Suti V. M., Mirzapur, Jamurki, Nagarpur, Kalihati, Dhanbari.
Netrokona	5	High English—Netrokona Dutt, Netrokona Anjuman, Barhatta, Purbadhala, Kendua.
Kishoreganj	6 — 36 —	High English—Kishoreganj, Kishoreganj Azimuddin, Bajitpur, Husainpur, Bhairab. High Madrasah—Pakundia.

(c) Open—9 :—Sadar 2, Jamalpur 2, Tangail 2, Kishoreganj 2, Netrokona 1.

Specially reserved for Muslim—3.

Specially reserved for Scheduled Caste—5.

Transfer of civil and criminal jurisdiction of certain villages under police-station of Madhukhali, Faridpur.

*241. **Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is aware—

(*i*) that the villages under the police-station of Madhukhali in the district of Faridpur appertain to the Sadar subdivision;

(*ii*) that Rajbari, the headquarters of the Goalundo subdivision in the same district, is more easily and in a shorter time approachable to the public of the said villages than Faridpur Sadar; and

(*iii*) that the public of the said villages have submitted representations to the Provincial Government for the transfer of the civil and criminal jurisdiction over the villages under the Madhukhali police-station from Faridpur Sadar to Goalundo (Rajbari)?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, the Government have taken in the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Madhukhali police-station was abolished in 1933. The villages included in that police-station are now included in the Bhusna police-station which appertains to the Sadar subdivision of the Faridpur district.

(*ii*) Yes, so long as the Kalukhali Bhatiapara section of the Eastern Bengal Railway exists.

(*iii*) No such representations appear to have been received.

(*b*) Does not arise.

Mr. SURENDRA NATH BISWAS: In view of his answer to question (*a*) (*ii*), will the Hon'ble Minister be pleased to state if he has considered the desirability of transferring those villages within the Madhukhali police-station to the Rajbari police-station?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no such proposal before the Government at the present moment, and in view of the fact that there was recently a proposal to abolish this railway line,

Government considers it very undesirable to make any such change at present.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that the question of abolishing that railway line has been abandoned by the Central Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It has been abandoned, but there is no such thing as settled fact.

Reconstruction of Chittagong Islamic Intermediate College, Madrasah Hostel and Principal's quarters.

*242. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what steps are being taken for the reconstruction of the—

(1) Chittagong Islamic Intermediate College,

(2) Madrasah Hostel, and

(3) Principal's quarters,

on the lines recommended by the Public Works Department, Chittagong?

(*b*) Is it a fact—

(*i*) that the present madrasah building has been condemned by two Executive Engineers of Chittagong and the Education Department under the old Government; and

(*ii*) that the present Principal's quarters have been declared unsatisfactory by the Public Works Department and administrative authorities?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The question is under consideration.

(*b*) (*i*) No, but some of the rooms on the ground floor are dark and are not suitable for class-room purposes.

(*ii*) Yes.

(*c*) The question is under consideration.

Irrigation schemes for Cox's Bazar Khasmahal, Chittagong.

*243. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) of the losses to Government revenue of Cox's Bazar Khasmahal on account of recurring annual floods in the following *khals* within Cox's Bazar subdivision, Chittagong, viz.,—

(1) Katakhali *khal*,

(2) Patili *khal*,

(3) Mitachari and Um Khali *khal*, and

(4) Bagkhali river near Cox's Bazar Municipality;

(*ii*) that there are no irrigation and drainage schemes for the Cox's Bazar Khasmahal; and

(*iii*) that a contour survey of the subdivision for irrigation and drainage schemes is needed?

(*b*) If the answers to (*a*) (*ii*) and (*iii*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps he contemplates taking in the matter?

(*c*) Is it a fact that the Cox's Bazar Khasmahal Officers have submitted some schemes for bund, excavation and drainage to the Government through proper channel for sanction?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for the delay in sanctioning these schemes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) There is some loss of Government revenue every year on account of floods in the Cox's Bazar subdivision.

(*a*) (*ii*), (*iii*) and (*b*) to (*d*) There are three irrigation and drainage schemes relating to Cox's Bazar Khasmahal, in different stages, which are now under consideration of the Communications and Works (Irrigation) Department.

For further information a separate question may be put to the Hon'ble Minister in charge of the Department concerned.

Munsif of Second Court, Feni.

*244. **Maulvi ABDUR RAZZAQ:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether he has received a copy of the resolution recently passed by the Bar Association, Feni, condemning the conduct of the present Munsif, Second Court, Feni?

(*b*) If so, will the Hon'ble Minister be pleased to state whether any action has been taken on it?

(*c*) If no action has been taken, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) No.

(*b*) and (*c*) Do not arise.

Nomination of Scheduled Caste members to Union Boards in Pabna district.

***245. Babu MADHUSUDAN SARKAR:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that during the latter part of the year 1940, nominations for the Union Board were made for the district of Pabna by Local Government?

(*b*) If so, will the Hon'ble Minister be pleased to state whether the cases of the Scheduled Castes of the district were taken into consideration in the matter of nomination?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any one was nominated from the Scheduled Castes to the Manikhal Union Board, Sagar Kandi Union Board, Hat Khali Union Board in Sujanagar police-station and Sahapur Union Board in Sara police-station of the district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes, but the members of the Union Boards were appointed by the District Magistrate.

(*b*) Yes.

(*c*) One member of the Scheduled Castes was appointed on the Sahapur Union Board.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state, with reference to answer (*c*), whether it is a fact that the candidate who was appointed as a member of the scheduled castes community was not a member of that community?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to make an enquiry into the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. JOGENDRA NATH MANDAL: Will the Hon'ble Minister be pleased to explain why not a single member belonging to the scheduled castes was appointed in any of the three union boards mentioned, viz., Manikhal Union Board, Sagar Kandi Union Board and Hat Khali Union Board?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Because suitable candidates were not available.

Mr. MADHUSUDAN SARKAR: Is it not a fact that quite a sufficient number of scheduled castes candidates was available, but that due to the negligence of the authorities their cases were not properly taken into consideration?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sufficient candidates there might have been, but suitable candidates were not available.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state what he understands by the term "suitable candidates"?

Mr. SPEAKER: That question does not arise.

Validity of election of Khan Bahadur Md. Anwarul Azim, M.L.A.

*246. **Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state whether Khan Bahadur Anwarul Azim, Bar.-at-Law, after his election, was declared by the Election Tribunal on the 30th July, 1938 (published in the *Calcutta Gazette* on the 26th January, 1939), disqualified for being a member of the Provincial Legislative Assembly for a period of 5 years and for voting at any election for a similar period?

(*b*) Will the Hon'ble Minister be pleased to state whether the said disqualification has been removed?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what actions the Government have taken, or propose to take, for penalising him under section 70 of the Government of India Act, 1935, for taking part in the Assembly proceedings?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) The honourable member is referred to the report of the Tribunal and to Government notification No. 56 A.R., dated the 17th January, 1939, published in the *Calcutta Gazette* of the 26th January, 1939, of which a

copy will be found in the Library. No order declaring him to be disqualified has been issued. Government propose to take no action upon the finding of the Tribunal as regards the return of election expenses.

(c) Does not arise.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to give his reasons why Government did not act according to the direction of the Tribunal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It was not a direction, but merely an advice. It was a recommendation to His Excellency the Governor and he acted in his discretion.

Restriction on the depressed class Hindus regarding use of thoroughfares.

*247. **Mr. MONOMOHAN DAS:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that in the eastern side of Netrakona and Kishoreganj subdivisions, particularly in Khaliajuri, Madan, Astagram and Itna police-stations the depressed class Hindus with shoes on are not allowed to pass through thoroughfares running by the house of upper class Hindus and Muslims?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government consider it desirable to make enquiry with a view to putting a stop to this practice without delay?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) I have no information to this effect.

(b) Does not arise.

Mr. JOGENDRA NATH MANDAL: Will the Hon'ble Minister be pleased to tell the House whether any step was taken or any attempt was made to have this information?

The Hon'ble Mr. A. K. FAZLUL HUQ: All that I say is that if the honourable member so desires I shall have an enquiry made.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to consider the advisability of notifying that the upper class Hindus and Muslims should not interfere with the shoes of scheduled caste Hindus? (Laughter.)

Mr. SPEAKER: That question does not arise.

Holding of public meetings in Dinajpur district.

*248. **Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware of an order, dated the 26th February, 1941, promulgated by the District Magistrate of Dinajpur, in exercise of the power conferred by paragraph 2 of the order issued under sub-rule (*1*) of rule 56 of the Defence of India Rules, and published under notification No. 912P.D., dated the 19th October, 1940 (Government of Bengal, Home Department, Political), read with paragraph 6 of that order prohibiting holding of meetings protesting against the Government scheme of jute restriction without permission?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether a uniform order to this effect has been promulgated throughout the Province?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased—

(*i*) to name the districts where such order has been promulgated;

(*ii*) to state whether the said order has been promulgated under the direction of the Provincial Government; and

(*iii*) to lay on the table a copy of the order?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) I have no information as to any such order.

(*b*) and (*c*) (*ii*) I refer the honourable member to the answer given to Mr. Jalaluddin Hashemy's short notice starred question No. 176 on the 20th March, 1941.

(*i*) and (*iii*) I must ask for notice.

Mr. NISHITHA NATH KUNDU: Sir, I enclosed this order in original with the question. How is it that the Minister replies that he has no information? Does he deny that there has been any such order promulgated by the District Magistrate of Dinajpur by saying that he has no information?

Mr. SPEAKER: These documents are not usually forwarded, but if you like I can forward it.

Mr. NISHITHA NATH KUNDU: I enclosed the order in original. How is it that the Minister has not replied to question (*c*) (*i*) and (*iii*) and has asked for fresh notice? Is it not a notice itself?

Mr. SPEAKER: It is a short notice question and naturally cannot be proper notice.

Mr. NISHITHA NATH KUNDU: It has been replied to after 15 days; so the question of short notice does not arise.

Mr. SPEAKER: But the question was answered immediately.

Mr. ATUL KRISHNA GHOSE: Sir, there was a thorough discussion in this House with regard to that notification and there was a proposal on the side of the Government that if they are enlightened with facts and figures, they themselves will enquire and enlighten this House as to which District Magistrate took what action, and so forth. Now, at this fag end of the session the Hon'ble Minister asks for notice.

Mr. SPEAKER: I will look into this question and see whether there was enough time taken for the reply.

Mr. SASANKA SEKHAR SANYAL: That will solve the difficulty. It is a very important question.

Mr. SPEAKER: If I find that the time was enough, then of course I am helpless

Mr. SASANKA SEKHAR SANYAL: No, Sir; the question may be held over till to-morrow. The Hon'ble Minister may consult the notification and then give a reply.

Mr. SPEAKER: I will only refer to it to-morrow in case I find that the time is not short, but if I find that the circumstances justify as regards the point of time, then I am helpless.

Mr. SASANKA SEKHAR SANYAL: Arising out of the observations made by you, may I submit that as regards short notice there is some discretion on the part of the Government? Government is at liberty to refuse acceptance of the notice, but as soon as Government has accepted the notice, the obligation of the Minister to answer it is as good or as bad as is in the case of an ordinary question.

Mr. SPEAKER: I will look into it.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he wants the members of the House to understand that this order was passed by the District Magistrate without consulting the Government or without the instruction of the Government to such an effect?

The Hon'ble Mr. A. K. FAZLUL HUQ: In passing an emergency order, Magistrates have no time to consult the Government. They pass orders on their own responsibility. Many of these orders are not known to members of Government even.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have authorised the District Officers to pass orders under the Defence of India Rules without specific instruction from Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: They have delegated authority in many matters.

Mr. SPEAKER: I find that the question was promptly replied. It came as early as the beginning of this month. So there was no time.

Mr. NISHITHA NATH KUNDU: In view of the fact that the sowing season for jute is almost over, does the Hon'ble Minister think it desirable to withhold that order of restriction for holding meetings for criticising the Jute Bill?

Mr. SPEAKER: That is for the Magistrate to do and not the Minister.

Mr. ATUL KRISHNA GHOSE: In view of the reply given by the Hon'ble Minister, are we to understand that the District Magistrate of Dinajpur promulgated this order at his own discretion and not with the approval of Government?

Mr. SPEAKER: Not with previous approval.

Mr. ATUL KRISHNA GHOSE: Subsequent approval?

Mr. SPEAKER: That question does not arise.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Is it your ruling that three weeks' time is not sufficient for an enquiry as to whether any order was made or not?

Mr. SPEAKER: I may tell you that the reply to this question came just after the Assembly adjourned. The reply was pending here. Because the Assembly was not sitting, it could not be answered.

(When Mr. Speaker asked unstarred questions to be called out.)

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, as regards unstarred question No. 110 under the heading "Posting of Armed Police Force at Adampur village in Burdwan district," as far as I remember, it was a starred question. May I know the reason, Sir?

Mr. SPEAKER: Do you remember how many starred questions you have sent?

Mr. NIHARENDU DUTTA MAZUMDAR: I have not exceeded the number which is 12.

Mr. SPEAKER: You have exceeded the number. Do you know how many starred questions you can put? Twelve is the total number of questions. That is the reason why your question has been put in the list unstarred question.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Admission of Scheduled Caste students in Guru Training Schools in Mymensingh.

103. Mr. AMRITALAL MONDAL: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the total number of—

(1) Muslim,

(2) Caste Hindu, and

(3) Scheduled Caste,

candidates taken this year for Guru Training classes in the district of Mymensingh;

(*ii*) the names of such Scheduled Caste Guru Training candidates; and

(*iii*) whether the ratio in selecting the candidate has been maintained?

(*b*) If the answer to (*a*) (*iii*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) and (*ii*) A statement furnishing the information is laid on the table.

(*iii*) The ratio has been maintained in the case of non-Matriculate Scheduled Caste candidates but not in the case of Matriculate candidates.

(*b*) The requisite number of Scheduled Caste Matriculate candidates was not available. All such Matriculate candidates who sat for the selection test were taken in irrespective of the marks secured by them and the vacant seats reserved for them were according to rule, filled up by Caste Hindu candidates.

Statements referred to in the reply to clauses (a) (i) and (ii) of unstarred question No. 103.

STATEMENT I.

(*a*) (*i*) The total number of candidates taken this year for Guru Training classes in the district of Mymensingh—

(1) Muslims	359
(2) Caste Hindus	100
(3) Scheduled Caste	20
Total ...	479

STATEMENT II.

(*ii*) Names of Scheduled Caste candidates—

Matriculate.

1. Lankeswar Das.
2. Joysunder Das Sarkar.
3. Harendra Chandra Choudhury.
4. Bidhu Bhusan Das.
5. Haridhan Das Choudhury.
6. Rash Behari Mandal.
7. Kartik Chandra Mandal.
8. Tarani Kanta Das.
9. Satish Chandra Das.
10. Monoranjan Das.
11. Makhan Lal Sarkar.
12. Chintaharan Das.
13. Harendra Narayan Sarkar.
14. Krishna Kanta Tilakdas.
15. Murari Mohan Das.

Non-Matriculate.

16. Raneswar Sarkar.
17. Digendra Chandra Biswas.
18. Sankhadhar Barman.
19. Debendra Chandra Das.
20. Satyendra Chandra Malla Barman.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state on what basis this ratio for the Scheduled Castes was arrived at?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot answer, but that is at the discretion of the authority who decides the question.

Banibhaban Hostel.

104. Mr. RASIK LAL BISWAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Banibhaban Hostel at 8, Panchanon Ghosh Lane, Calcutta, is managed by Government?

(*b*) If so, will the Hon'ble Minister be pleased to state whether complaints were received by the Director of Public Instruction against the administration of the said Banibhaban Hostel?

(*c*) If so, when and by whom?

(*d*) Has any enquiry been made into the matter?

(*e*) Has the enquiring officer submitted any report?

(*f*) What action, if any, has been taken by the Government on the enquiry report?

(*g*) Will the Hon'ble Minister be pleased to lay on the table—

(*i*) a copy of the report of the enquiring officer; and

(*ii*) the copy of the complaints made against the Superintendent of the said hostel?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*), (*b*), (*d*) and (*e*) Yes.

(*c*) In 1940 by Mr. Rasik Lal Biswas, M.L.A., 16 boarders and some menials of the hostel.

(*f*) The matter is under consideration.

(*g*) As the matter is confidential, copies of the complaints and the report thereon cannot be made public.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state who was the enquiring officer?

The Hon'ble Mr. A. K. FAZLUL HUQ: I require notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state when the report of the enquiry was submitted to the Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: The report of the enquiry was submitted to the Education Department.

Mr. ATUL KRISHNA GHOSE: When?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say.

Mr. SPEAKER: The report was submitted to the Director of Public Instruction.

Mr. ATUL KRISHNA GHOSE: I would like to know when the report was submitted. My contention is this: how long the case has been kept pending without coming to any decision whatsoever. That is very important.

Mr. SPEAKER: The Hon'ble Minister has asked for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the Superintendent was connected in any way with any of the Ministers?

Mr. SPEAKER: You know that I have disallowed this sort of question several times before.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what was the nature of the complaint?

The Hon'ble Mr. A. K. FAZLUL HUQ: A long list of complaints has been forwarded for enquiry.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to give us a gist of the complaints?

The Hon'ble Mr. A. K. FAZLUL HUQ: Mismanagement, in some cases embezzlement, ill-treatment, maladministration, etc.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what subsequent revelations came out with regard to the charge of embezzlement?

Mr. SPEAKER: Are you a lawyer?

Mr. ATUL KRISHNA GHOSE: No, Sir. I am a humble journalist.

Mr. JOGENDRA NATH MANDAL: In view of the answer that the Banibhaban Hostel at 8, Panchanan Ghosh Lane, Calcutta, is managed by Government, will the Hon'ble Minister be pleased to state whether the Superintendent of the Hostel was appointed by the Government?

Mr. SPEAKER: That question does not arise here at all.

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state whether it is a fact that besides the signatories mentioned in answer (*c*), the petition was signed by some other persons who had no concern with the hostel and who were neither boarders nor guardians?

Mr. SPEAKER: That does not very much matter.

Mr. ATUL CHANDRA SEN: With reference to answer (*f*), will the Hon'ble Minister be pleased to state how long the matter will be under consideration?

Mr. SPEAKER: That is the only pertinent question.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as Government is concerned, it is somewhat preoccupied at the present moment, and it will take some time before the matter will be taken up.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister kindly state whether the file relating to the case was kept by one of the Ministers for about 8 or 9 months?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know how the honourable member has come to know anything about the file, but I may say that it is not correct.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state if Government received the file from the Enquiring Officer 9 months before?

Mr. SPEAKER: The question should be, *what is the reason for* this long delay?

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state what are the reasons for the delay in coming to a decision in this matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: The reason is that the members of the Scheduled Caste community are divided so far as the management of the hostel is concerned. Some are in favour of the present management and some against, and the Education Department are making strenuous efforts to bring the two divisions to some kind of arrangement by way of compromise. That is the reason for all this delay.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that it was found by the enquiring officer that the Superintendent was guilty of misappropriation of money?

The Hon'ble Mr. A. K. FAZLUL HUQ: That would be disclosing the contents of the report. The enquiring officer found that there were reasons for a close scrutiny of the affairs of the institution and, therefore, he thought it best to bring about a compromise between the two disputing sections.

Mr. RASIK LAL BISWAS: Due to this delay in arriving at a decision, is the Hon'ble Minister aware that there has been immense suffering caused to the boarders of the hostel?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes. It is causing inconvenience to the boarders, but I hope that some decisive action will be taken, soon.

Babu MADHUSUDAN SARKER: Is it a fact that the majority of the signatories submitted immediately afterwards stating the circumstances under which they were coerced to put their signature by some political agitators?

Mr. SPEAKER: That question does not arise.

Publication of names of elected and appointed members of Union Boards of the Murshidabad district.

105. Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) when (giving the first and last dates) the last general election of Union Boards in the Sadar subdivision of the Murshidabad district took place;

(*b*) when the District Magistrate of Murshidabad sent the names of members (elected and appointed) of such Union Boards for publication in the Gazette;

(*c*) in respect of which Union Boards (with names) in the Sadar subdivision, no publication has yet been made;

(*d*) the reasons for such non-publication; and

(*e*) when such publication is likely to be made?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Between the 15th February and the 8th April, 1940.

(*b*) On the 29th July and the 15th August, 1940.

(*c*) The names of members of all the Union Boards have been published in the *Calcutta Gazette*.

(*d*) and (*e*) In view of the answer to clause (*c*), these questions do not arise.

Number of students reading in primary schools in Chandpur subdivision.

106. Maulvi JONAB ALI MAJUMDAR: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*a*) the present number of—

(1) free, and

(2) aided,

primary schools within the subdivision of Chandpur in the district of Tippera;

(*b*) the number of—

(1) boys, and

(2) girls,

reading in those schools; and

(c) the number of—

(1) boys, and

(2) girls,

reading in the Rajapur aided primary school in No. 2, Kalocho Union within Hajiganj police-station of that sub-division of Chandpur?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement furnishing the information, is laid on the table.

Statement referred to in the reply to unstarred question No. 106, showing the present number of free and aided primary schools in Chandpur subdivision in Tippera, and number of boys and girls reading in them and number of boys and girls in Rajapur aided primary school.

Number of primary schools—

Free	...	...	314
Aided	...	...	176

Number of pupils—

Boys	...	...	47,138
Girls	...	..	12,094

Rajapur Aided Primary School.

(1) The number of boys	...	...	84
(2) The number of girls	...	...	43
	Total	...	127

Poor funds in Government schools in Bakarganj district.

107. Sj. NARENDRA NATH DAS GUPTA: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is any fund organised by each Government school for the poor students in Bakarganj district?

(b) Will the Hon'ble Minister be pleased to state—

(i) how many boys receive stipends from these poor funds where such funds exist;

(*ii*) the number of them that are—

(1) Hindus, and

(2) Muslims;

(*iii*) the respective number of—

(1) Hindu, and

(2) Muslim,

students of these schools; and

(*iv*) what principle is followed in the award of such help?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) There are poor funds only in Barisal Zilla School and the Jhalakati Government High English School of this district.

(*b*) (*i*) Six boys of the Barisal Zilla School, and 4 boys of the Jhalakati Government High School.

			Barisal Zilla School.	Jhalakati Government High School.
(*ii*) Hindus	..	...	2	3
Muslims	...	...	4	1
(*iii*) Hindus	...	..	231	176
Muslims	...	...	177	45

(*iv*) Poverty coupled with merit is the main criterion for the award of help from the poor funds.

Srijut NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that it is communal consideration and not what is stated in answer (*b*) that is responsible for this glaring disparity in the award of stipends between Hindu and Muslim students and that there is a keen sense of resentment on this account?

Mr. SPEAKER: That is supplying information and not asking for it.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state who are the contributors to these poor funds?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know.

Resolution passed at the Arial Bil Conference.

108. Dr. SURESH CHANDRA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if the attention of the Government has been drawn to the resolution (No. 1), passed at the Arial Bil Conference, held at Malikanda, Dacca, on the 14th January, 1941, last under the presidentship of Dr. Suresh Chandra Banerjee, M.L.A., containing suggestions for quickly raising the bed of the aforesaid Arial Bil and deepening the bed of river Icchamati by the scouring method without involving much expenditure?

(*b*) If so, will the Hon'ble Minister be pleased to state what action, if any, the Government propose to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) No, except through this question. I have, however, just obtained a Bengali pamphlet entitled "Arial Bil Sammelon" from the Agriculture and Industries Department of this Government. This pamphlet contains the resolution (No. 1) referred to by the honourable member.

(*b*) I am informed that at the instance of the Collector of Dacca, a preliminary enquiry into the matter has been made by a local officer of this department who has submitted his report to the Collector. His recommendation, when received, will be considered.

Establishment of charitable dispensaries in Chittagong.

109. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Public Health (Medical) Department be pleased to state whether he received any applications from the local inhabitants for the establishment of—

(*i*) the Khitapchar Nanda Kerani's Charitable Dispensary in Union Board No. V Saroatali, police-station Boalkhali, district Chittagong; and

(*ii*) Nanupur Charitable Dispensary at Nanupur, police-station Fatickcheri, district Chittagong, in response to the Local Self-Government and Public Health Department Circular No. 2675-2679P.H., dated the 9th November, 1935?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what was the amount prayed for in each case for capital and recurring grants respectively, and why the said amounts were not sanctioned?

(*c*) Is the Hon'ble Minister aware that the late Babu Nanda Kumar Kerani deposited firstly Rs.2,000 with the Imperial Bank, Chittagong branch, in the name of the Collector of Chittagong in 1936 and secondly

his son Babu B. Das made over a letter of authority to the Collector, Chittagong, on the 11th December, 1939, to withdraw a further sum of Rs.1,000 from the Shakpura Jouth Bank towards the cost of establishing the Khitapchar Dispensary?

(*d*) If so, is the money still lying idle in the Bank?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) Yes.

(*ii*) Yes, but the application was not in response to Government Circular No. 2675-2679P.H., dated the 9th November, 1935.

(*b*) Khitapchar—Rs.1,500 capital and Rs.800 recurring.

Nanupur—Rs.2,100 capital.

No capital grant is paid out of provincial revenues towards establishment of rural dispensaries, which is primarily the responsibility of the local bodies concerned.

Recurring grants at fixed rates are made to rural dispensaries after they are actually established and on fulfilment of certain conditions by these dispensaries.

(*c*) It is reported that a sum of Rs.2,000 is deposited in the Bank.

Government are not aware of any further sum of Rs.1,000 or of any letter of authority relating to that sum.

(*d*) The amount of Rs.2,000 is reported to be lying in the Imperial Bank as preliminary arrangements for setting up and running the dispensary are not complete.

Posting of Armed Police force at Adampur village in Burdwan district.

110. Mr. NIHARENDU DUTT MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that special Armed Police force has been posted at Adampur?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Is it a fact that on the 29th January, 1941, about 500 or 600 cattle were seized by the Armed Police and the Zamindars, Gomostas and Nagdis at Adampur and its surrounding places?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*e*) Are the Government considering the desirability of instituting an enquiry into the incidence at Adampur of the 29th January, 1941?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes—4 armed constables under a lance naik.

(*b*) Because of some undesirable political agitators who were carrying on anti-zamindary and anti-Government propaganda and because they created an atmosphere prejudicial to the public peace and order by their mischievous activities.

(*c*) and (*d*) It was only 50 head of cattle that trespassed and damaged *Benagrass* in the *khas* land of one Zamindar. Some Paiks and Nagdis of the Zamindar were driving the cattle to the local pound when a large number of villagers of Adampur attacked them and attempted to rescue the cattle. Two of the armed constables intervened to prevent breach of the peace when one of them was assaulted by the rioters. Five persons have been sent up for trial.

(*e*) No.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answers (*c*) and (*d*), will the Hon'ble Minister be pleased to state how precisely did he ascertain that 50 head of cattle actually trespassed into the lands of the zemindar?

Mr. SPEAKER: It is no use diving into the process. You had better ask for information.

Mr. NIHARENDU DUTTA MAZUMDAR: From whom did the Government get the report?

Mr. SPEAKER: Through the usual machinery.

Mr. NIHARENDU DUTTA MAZUMDAR: Here it is said that 50 head of cattle trespassed and damaged——

Mr. SPEAKER: Then he might turn round and ask you how did you come to know of it and the process will thus be interminable.

Mr. NIHARENDU DUTTA MAZUMDAR: Does the Hon'ble Minister, take the responsibility for the statement that 50 head of cattle trespassed into the lands of the zemindar?

The Hon'ble Mr. A. K. FAZLUL HUQ: The cattle that trespassed and damaged consisted of 50 head; whether each and every one of those 50 head trespassed into the lands of the zemindar is a different question.

Drainage of certain bil areas in Sadar and Narail subdivisions, Jessore.

111. Maulvi WALIUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that there is no means of drainage in the vast *bil* area under the jurisdiction of Narail and Kalia police-stations in Narail subdivision and Abhayanagar police-station of Sadar subdivision of Jessore; and

(*ii*) that crops cannot be grown in the said area?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) There are some low-lying areas in the localities, where cultivation is difficult for want of facilities for drainage.

(*ii*) Yes: in some very low pockets in the areas.

(*b*) The matter is receiving attention.

A scheme has been prepared with the object of improving the Uttar and Bhurbhuria *bils* in Sadar and Narail subdivisions of the Jessore district at an estimated cost of Rs. 46,282. The question of financing it has been taken up.

A contour survey is in progress for the purpose of obtaining data for the preparation of a detailed estimate for the improvement and reclamation of Baranal, Silimpur and other *bils*.

Adjournment Motion.

Mr. NIHARENDU DUTTA MAZUMDAR: With regard to the punitive tax imposed at Dacca, I gave notice of an adjournment motion.

Mr. SPEAKER: Have you got my consent?

Mr. NIHARENDU DUTTA MAZUMDAR: I have got a communication which runs thus:—"I give my consent to the matter being brought before this House." I then notice that the word "I" has been erased and made very diffuse and in the space towards the left the words "I cannot" have been written in different ink.

Mr. SPEAKER: That is the danger of enquiring into the process.

Mr. NIHARENDU DUTTA MAZUMDAR: This is rather too conspicuously made to escape notice.

Mr. SPEAKER: As a matter of fact, I disposed of this file at about 4-30 p.m. to-day. Probably the usual form containing the words "I give my consent" was ready in order to send it on to you. But I have carefully considered it, and I think it is a matter which in its present form cannot come up, and the reason why I did not give my consent to it was due to the absence of some suitable words in it.

Mr. NIHARENDU DUTTA MAZUMDAR: I am very thankful to you, Sir, for the kind explanation you have given; but since you have been good enough to give this explanation, I should like to know more about it, *i.e.*, as to the specific rule under which you are ruling it out.

Mr. SPEAKER: As a matter of fact, I never did it before, but you can well see that I have been forced to do it on this adjournment motion, as the attitude of the House on the last motion leaves me no other alternative but to do so.

Mr. NIHARENDU DUTTA MAZUMDAR: But each day is different from the other and must be considered on its own merits.

Mr. SPEAKER: I am sorry I can do nothing more.

GOVERNMENT BILLS

The Bengal Local Self-Government (Amendment) Bill, 1941, as passed by the Bengal Legislative Council.

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Sir, I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1941, as passed by the Bengal Legislative Council, be taken into consideration.

The Bengal Legislature (Privileges and Powers) Bill, 1941.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of information, Sir. Is it the Privilege Bill that the Hon'ble Minister is introducing?

Mr. SPEAKER: No. I have had a discussion with the Government Whip yesterday. I propose to discuss the question either with Mr. Basu or with Mr. Sanyal before the Bill is taken up by the House.

Mr. SANTOSH KUMAR BASU: Then the Privilege Bill is being passed over for the present?

Mr. SPEAKER: Yes.

The Bengal Local Self-Government (Amendment) Bill, 1941, as passed by the Bengal Legislative Council.

Mr. SPEAKER: I think the first four amendments are not in order

Mr. SASANKA SEKHAR SANYAL: Before the dilatory motions are taken up, I think there should be a discussion on the merits of the Bill itself.

Mr. SPEAKER: But the dilatory motions are not in order.

Mr. SASANKA SEKHAR SANYAL: That is not my point, Sir. Before the motions for reference of the Bill to Select Committee are taken up——

Mr. SPEAKER: Select Committee motions are in the nature of amendments to the main Bill.

Mr. SASANKA SEKHAR SANYAL: But they proceed upon the assumption that the main principles of the Bill are accepted by the House.

Mr. SPEAKER: The Select Committee motions are amendments to the main Bill and, therefore, in that connection the principles underlying the Bill can also be discussed.

Mr. SASANKA SEKHAR SANYAL: Under rule 75 of the Bengal Legislative Assembly Procedure Rules there may be a discussion first on the principles of the Bill. Then comes the question of reference to Select Committee under rule 76. It is quite evident therefore that one is prior to the other. Under rule 75 we shall oppose the Bill outright and under rule 76 we shall propose that instead of considering the Bill, clause by clause, it should be referred to a Select Committee.

Mr. SPEAKER: I think you know, Mr. Sanyal, that all Select Committee motions are of the nature of amendments to the main motion. Therefore, after an amendment for reference to Select Committee is moved, you can speak both on the principles of the Bill as also on the question of reference to the Select Committee.

Mr. SASANKA SEKHAR SANYAL: Then you suggest that the principles of the Bill and the reference matter may be discussed together?

Mr. SPEAKER: Yes.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I beg to move, by way of amendment, that the Bengal Local Self-Government (Amendment) Bill, 1941, as passed by the Bengal Legislative Council, be referred to a Select Committee——

Mr. SPEAKER: You can move just up to that for the present, and the rest will come up later on, if necessary.

Maulvi ABU HOSSAIN SARKAR: All right, Sir.

Mr. Speaker, Sir, I move this motion to bring it to the notice of the House that although the Bill, at first sight, seems to be a simple one, it is in reality fraught with dangerous consequences. The first thing to which I wish to draw the attention of the House is that it contravenes section 224 (*b*) of the Government of India Act. By clause 9 of this Bill the Government desires that the cases which are now pending or will be pending before the passing of this Bill either in the High Court or in the lower courts will automatically be stopped. I submit that there is a special provision of the Government of India Act that all High Courts will have inherent jurisdiction to consider cases decided by lower courts. Sir, the High Court under its power of supervision might have taken jurisdiction over a good number of cases. If those cases are stopped or an attempt is made to stop those cases, I submit that the power given by section 224 (*b*) of the Government of India Act will be interfered with.

Then again, there is a salutary provision of law that all cases should be instituted in the forum of lowest jurisdiction. Generally, the Munsif's and Sub-Judge's courts were the forum, but this salutary provision is being taken away, and the court of the District Judge is being chosen for cases under the Local Self-Government Act.

Then, Sir, the question of appeal is a very difficult matter. I submit that the cases contemplated under the Local Self-Government Act deal with substantive rights of citizens—I mean the election cases. Therefore, if no appeal is allowed, I think justice will not be done to the parties concerned.

Another question is whether when a case will be filed in the court of a District Judge he will be entitled to transfer the case to one of his subordinate officers, and if a case is decided by a subordinate officer, it is not expressly mentioned in this Bill whether any appeal will be allowed in the court of the District Judge from his decision.

Then, Sir, there is the question of deposit before filing a case, if this Bill is passed into law. This Bill prescribes Rs. 100, but I think that is a very big sum. Moreover, in addition to that the District Judge will be authorised to take a further sum as deposit or security and there is no limit to what amount he can demand from the party. I submit this will be an injustice to people who will come to our law courts.

Further, Sir, if this Bill is passed, the parties will be harassed. Quite a number of such cases, I think, are now pending in various courts in this province. Those cases are going to be stopped, and the parties concerned will be again ordered to file cases before the District Judges within thirty days. There are cases where commissions have been sent, witnesses have been examined on commission, photographs have been taken, maps have been prepared and a good amount of money have been spent. Those suits will be dropped and fresh cases will be tried *de novo*, entailing great hardship and harassment to the parties concerned. Under these circumstances, I submit this Bill should not be passed into law now, but it should be sent to a Select Committee so that the provisions contained in it may be thoroughly discussed, and a revised Bill, if such a Bill is at all required to be passed, can be brought before this House in a proper form.

Again, Sir, there is another question. There is a good deal of rumour that this Bill is specially intended to defeat some cases relating to the District Board of Dacca. I do not know whether it is true or not, but if that be the intention of Government, I think that in a period like this this kind of Bill should not be pressed, if by taking the law in this form the minorities are suppressed and if the persons who are defeated in this way or that way by the majority party cannot get redress in court and law comes in the way. It would not be desirable that the minority opinion should be oppressed and suppressed by passing this law and giving retrospective effect in this tumultuous time.

With these remarks, Sir, I commend the motion to the House for acceptance.

Mr. ATUL CHANDRA KUMAR: Mr. Speaker, Sir, I oppose this Bill on the following grounds. In the first column of the Bill we find that there is no provision as to when this Bill will be given effect to. Under section 9 provision is made for giving retrospective effect. Sir, we do not support the idea of giving retrospective effect, especially in a Bill of this character. I submit, Sir, that it is nothing but evading the law. Some illegal actions which have been done in some district boards, *e.g.*, in Dacca, Chittagong and Burdwan, are going to be legalised by this Bill. If nothing wrong has been done in those

districts, why is retrospective effect going to be given under the protection of this Bill? Let those cases be decided according to the existing laws and let this Bill come into existence after it gets the assent of the Governor, and it is notified in the Calcutta official gazette. That is the ordinary rule in the case of every Bill. Retrospective effect, if it is given at all, should be given very cautiously. I can understand if retrospective effect is given in case of an economy measure, but I cannot understand how retrospective effect is proposed to be given only to legalise some wrong done by the authorities in some of the districts. This Bill is popularly known as the Dacca Bill (Laughter from the Opposition Benches.), and that is why the session has been extended even after the Easter. There were many important Bills, there were many important matters for discussion in the House, especially the Floud Commission's Report which was at your wish, Mr. Speaker, postponed till the first day of the next session. I think that if there was any reason for adjourning the House till after the Easter, it was for the discussion of the Floud Commission's Report. The Coalition Benches are heard to say as if we are not anxious to have discussion on the Floud Commission's Report in this session. On the contrary, Sir, we were very anxious to discuss it and, as a matter of fact, we are still anxious to discuss the Floud Commission's Report in this session, but it is the Government which is not prepared to discuss the Floud Commission's Report. They think that a Bill to amend certain clauses in the Local Self-Government Act is more important than the Floud Commission's Report. (Maulvi ABU HOSSAIN SARKAR: Mr Salim should be installed first!) (Mr. SURENDRA NATH BISWAS: They are tenants of Dacca.) May I ask the Hon'ble Minister in charge of this Bill whether under the existing law there is any difficulty in the working of the Local Self-Government Act? I submit, Sir, that there is absolutely no difficulty in the existing Local Self-Government Act. Government wants to give power to the District Judge. The authority appointed under section 138 is the District Judge. Before this Bill is brought to this House, there has been a notification under the Local Self-Government Act asking District Magistrates to add rule 50 after rule 49 and informing them that the authority appointed is the District Judge. That has already been gazetted in the *Calcutta Gazette*, dated the 13th March. So, there is no difficulty in the Local Self-Government Act to go on with the election to local bodies. Still they want some protection for some acts done in some districts for which the existing laws will not suit them. That is why, Sir, this Bill has been brought. This Bill might have been brought before the House for discussion in the July Session, but it was thought so important that Government had to extend the session and, of course, they have also made some sacrifice in postponing their journey to the hill station, and they are waiting till this Bill is passed by this House.

Then, Sir, there are other grounds why this Bill should be opposed. In this Bill, Sir, you will find that not only retrospective effect is going to be given, but section 18B is also going to be amended. A proviso has been added to that section, namely, "Provided that the validity of any election shall not be questioned in any petition under this section—

(*a*) on the ground that the name of any person qualified to vote has been omitted from the electoral roll, or

(*b*) on the ground that the name of any person not qualified to vote has been inserted in the electoral roll."

Sir, I have no objection so far as sub-clause (*a*) of the proviso is concerned, because in preparing the electoral roll there may be omissions of some names, but I cannot understand how a man who is not qualified to vote can be included in the electoral roll. A man who is qualified to vote may not be included through mistake; this position can be understood. But a man who is not qualified to vote—how he can be included in the electoral roll, I cannot understand that. If any name is entered in the electoral roll who is not qualified to vote at the preliminary stage, objection may be filed before the revising authority or the registering authority and steps may be taken, but after the preliminary publication and before the final publication if one's name is included no notice will be given to any individual that X's name is going to be included; but if Y is to be excluded, notice is to be given if A has taken objection as regards his qualification But when X is going to be included, no notice need be given to the voters When a gentleman finds that his name is not in the voters' list, he may go to the District Magistrate and the District Magistrate if he so likes or the revising authority if he so prefers may have his name entered in the list. The whole thing is this, that previously the district board was controlled by the urban people. Rural people generally did not represent the district board, but under the present law they are not voters. One who is to be a voter of the district board is required to have residence in the local board area or in the district board rural area. I think that in the districts of Dacca, Chittagong and other places there are gentlemen who have got no residential qualifications, but who have still got their names entered, and in spite of their objections those petitions were not taken as valid. Sir, I do not mind if there be a regular election or if a wrong name is inserted, and if there be a regular election fight and the voter chooses a disqualified man who was not qualified to vote, I can understand that. Supposing A and B filed nomination papers for X constituency, and A was not a qualified voter and his name had been entered in the electoral roll. If those nomination papers were valid and A was returned, we have nothing to say. Supposing, on the other hand, A and B filed nomination papers for X constituency and the nomination paper of A was

cancelled at the time of the scrutiny and B was declared elected uncontested though B was not a qualified voter. These points have got to be discussed. There are many things in the Bill like that, and it should not be hurriedly passed. I do not think that the Local Self-Government Department will be paralysed if they are asked to wait till July next. Under the existing law, members can function unless they are declared by the court to be disqualified. Unless their election is declared void, they can function as members of the Board. There is no bar to that under the existing law. Still this Bill has been brought before this House only to suit the convenience of some members.

Then, Sir, no appeal shall lie against the decision of the District Judge. Examples have been shown in support of it, and they want to follow the Assembly election procedure. Therefore, they have provided for so many things that if the District Judge thinks such and such cost should be given, such and such security should be furnished, etc. They are going to follow the procedure adopted in the Assembly election. I can appreciate these things, but at the same time I must say in the election petition of the Legislature there is a tribunal and three Judges sit on that tribunal. In the Calcutta Municipal Act there is appeal against the decision of the original court, but in this case no appeal, it is said, shall lie. The District Judge is the final authority. I think that the appeal should lie in the High Court against the decision of the District Judge. With these few words I oppose the motion.

Mr. SYED JALALUDDIN HASHEMY: Sir, I rise to oppose the motion of the Hon'ble Sir Bijoy Prasad Singh Roy for more than one reason. Firstly, Sir, I oppose this motion for the simple reason that it was originated in the Council and passed by the Council. Such important, drastic and dangerous changes in the Local Self-Government Act ought to have originated in this House for consideration. Government have attempted to enter through the back door for obvious reasons.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On a point of order, Sir. The other House has passed an important Bill and it cannot be called back door. I think that it is unparliamentary.

Mr. SANTOSH KUMAR BASU: Sir, we have every right to challenge the justice of the step taken by the Government in introducing a Bill of this nature in the Council, and we stand on our privileges in claiming that a Bill of such importance as the present one should have originated in the Lower House, that is, in the Assembly and not in the Upper House. The Hon'ble Minister cannot possibly claim that it is

unparliamentary to stand upon our privileges and to press, as a matter of right, that such a step ought to have been taken in the Assembly and not in the Council.

Mr. SPEAKER: That is a position which the House can very legitimately take. But I think that "back door" is not the proper expression to use.

Mr. SANTOSH KUMAR BASU: It is certainly not a front door. Let it be a side door.

Mr. M. SHAMSUDDIN AHMAD: Or a trap door!

Mr. SYED JALALUDDIN HASHEMY: My second reason is also very simple. I oppose it for the indecent haste that has been taken recourse to by the Government. The Bill suggests drastic changes. Without discussing the details of the provisions of the Bill, I will discuss the general principle and with it some of the provisions of the Bill. The Bill suggests in clause 3 (3), the petitioner shall, at the time of filing the petition under sub-section (1), deposit in court one hundred rupees as security for the costs likely to be incurred by any of the respondents. We may agree most unwillingly to this proposal. But I think that no member of this House will agree to sub-section (4) in which it has been suggested:—

"The Judge may at any stage of the proceedings require the petitioner to deposit in court a further sum as the costs incurred or likely to be incurred by any respondent or to give security or further security for the payment of the same and if, within the time fixed by him, or within such further time as he may allow, such costs are not deposited or such further security is not furnished, as the case may be, may dismiss the petition."

Nobody knows the amount that will be asked by the District Judge to deposit as cash or as security for a petition to be filed by a man who is aggrieved. This is certainly a dangerous change that has been suggested in the Bill.

To come to section 18G, it is suggested that the decision or order of the Judge under section 18D, 18E or 18F shall be final. Sir, the Hon'ble Minister in charge might have suggested that the report of the enquiry by the District Judge ought to be submitted to the Minister in charge of Local Self-Government for his decision, and his decision shall be final. That would have been more agreeable on the part of the Hon'ble Minister in charge of Local Self-Government. The Bill has been characterised by Mr. Atul Chandra Kumar as Dacca Bill. I go a step further and say that if this Bill is passed into an Act, it will

be characterised by a section of this House as Shahabuddin Act of Dacca. (Mr. NISHITHA NATH KUNDU: It is also a Dacca District Companies Act.) At the instance of the representative of the Cabinet of Dacca these dangerous changes have been suggested. May I ask the Hon'ble Minister in charge of the Bill after the serious changes made in the year 1932-33 by the old Council, what was the urgency of suggesting these drastic changes? Has he, for the purpose of knowing facts from countries other than India, consulted the Local Government Act of Germany, the Local Government Act of the United States of America and the Local Government Act of the United Kingdom? Sir, I want these answers from the Hon'ble Minister in charge of the Bill here and now whether any Act—any Local Government Act, not Local Self-Government Act—Local Government Act of the United Kingdom, suggested that this sort of security should be deposited in the court for filing a petition by the aggrieved party. Then, again, section 18-I suggests—"No election of a member of a district board or a local board shall be called in question in any court except under the procedure provided by this Act and no order passed in any proceeding under sections 18B to 18G (both inclusive) shall be called in question in any court and no court shall grant an injunction."

Sir, the court has inherent jurisdiction to take cognisance of any plaint made by any aggrieved party. But here, Sir, the Government proposes to take all power in its own hand indirectly. Sir, may I ask, what is in the contemplation of the Member in charge of this Bill? Why is he suggesting these drastic changes? Sir, it is obvious that cases have been filed in connection with the last Dacca District Board election, and only to come out of the difficulties that have been created by the law of the land, the Government proposes to sail smoothly by passing this Act, and, so, skilfully it was engineered in the Upper House first And then, Sir, only to unnerve us by passing this Bill, it has been brought to us at this fag end of the Budget Session of the Bengal Legislative Assembly. Sir, if permitted, I propose to move an amendment because I feel that I ought to move an amendment that a Select Committee of the whole House be formed for considering the provisions of this Bill, and that is the only proper remedy for this sort of motions moved by the Hon'ble Minister. Sir, the Leader of the House has absolute discretion in giving the House an opportunity of going through the different provisions of the Bill, clause by clause. I had a mind to submit a petition through the Hon'ble Speaker to the Committee of Petitions for postponing the consideration of this Bill for obvious reasons, but I had not the time and opportunity to do so. Sir, I have consulted several chairmen of district boards belonging to the Coalition Party, and I have asked for their frank opinions with regard to the changes, and each and every one of them has suggested that this Bill is meant for Dacca and Dacca alone and for no other place. This is the view given by the

chairmen of different district boards of the province, belonging to the Coalition Party. With these words, Sir, I oppose this motion moved by the Hon'ble Sir Bijoy Prasad Singh Roy.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I also join my feeble voice in the opposition to the introduction and consideration of this Bill.

Sir, I hope the House will not consider this question in a spirit of levity, because very important questions are raised not only by the substance of the Bill but also by the method and manner of rushing it through the House. Mr. Speaker, Sir, we need not go to any member of the Coalition Party or to any source for information that it is a Dacca Bill. If you will just permit me to quote a few lines from the original Bill in which the Statement of Objects and Reasons is appended, the matter would be amply clear. In the middle of the Statement of Objects and Reasons it runs thus:—

"Suits have also been filed in the civil courts in respect of certain elections of members of the District Boards of Dacca and Chittagong held under the rules for direct election to district boards."

Now, it is no longer a secret, not even an open secret—it is an open matter to-day that certain stalwarts of the Coalition Party are interested in the Dacca District Board election, and, Sir, even a child can see through the game of the Government. The stalwarts are forcing the hands of Government to bring in a Bill of this nature by which their elevation to certain coveted positions may be assured and ensured. I do not know, Sir, who are the limelights of Chittagong in whose interest also the Bill has been brought forward, but it is clear that some of my friends who adorn high positions in the Coalition Party are interested in the changes which are being brought.

Mr. Speaker, Sir, the method of bringing this Bill reminds me of the famous comment of George Bernard Shaw upon certain observations of H. G. Wells. You know, Sir, H. G. Wells wrote a book—a fiction—entitled "The Wheels of Chance," in which a hoop-driver is the principal figure who fell in love with a lady of high standing. The hoop-driver was a cyclist and that was his only qualification. The hoop-driver was an interesting figure—he fell in love with a highborn maiden and had an interesting career. H. G. Wells while commenting upon the British Constitution said—"The British Constitution is unworkable and does not suit the requirements of the British nation." George Bernard Shaw in his answer to that in his characteristic style replied that a Constitution which was good for Gladstone, Disraeli and Asquith was not good for the hoop-driver. My friend the Government Whip—I envy his position—has fallen in love with the District Board of Dacca, and the existing law which has been good enough for all

the district boards over this province of Bengal is no longer good for the hoop-driver of the District Board of Dacca. The wheels of chance are rolling, and if the wheels are rolling they are rolling in favour of somebody and the poor province is meeting the heavy burden of the costs of those wheels. My friend, Mr. Abu Hossain Sarkar, was referring to the Companies Act while he was mentioning that the District Judge is given original and primary powers only under the Companies Act. My friend Mr. Nishitha Nath Kundu made a very interesting running comment that it is also a Dacca District Companies Act. I do not know whether it is a good or a bad company. Sir, we on behalf of the Opposition oppose this Bill on its principles and methods, because if you would just go down to the next sentence I will show you that the solicitude of the Government is, pure and simple, a humbug and a hoax. It is said that the life of the Board concerned will be unduly prolonged in consequence of such resort to dilatory civil court proceedings. To guard against such undesirable consequences this Bill seeks to provide for a special machinery for the decision of disputes, etc. This anxiety on the part of Government to bring into existence the new Boards is a pure humbug, and it is only in the interest of certain persons that these pious platitudes are being expressed. I am giving you, Sir, a concrete example. To-day in answer to the unstarred question No. 105 put by my humble self, it appears that in certain subdivisions of the Murshidabad district the general election of union boards took place in July and August, 1940. The names of half the members of union boards went into the Gazette, but the remainder did not go, and it was only on the 22nd March that the constitution of the new boards was announced, and probably even the matter would have been delayed further but for the interpellation which was put by me. Elections to union boards took place in July, and the composition of the new boards did not get the effect till towards the end of March. That was because I made a direct challenge; that was because certain members of the Coalition Party were not happy on account of certain nominations which were recommended by the District Magistrate and, therefore, they were holding up the whole matter and the Government was playing into their hands. Government delays when it is to the interest of the Coalition Party; Government hurries up under the plea of expeditious dealings when it is to the interest of the limelights of the Coalition Party. I submit, Sir, we must stand upon principles, and as my friend Mr. Atul Chandra Kumar has so ably pointed out, it is quite clear that the existing Act is quite competent to deal with the emergency that may arise.

Sir, the jurisdiction of the civil courts is proposed to be taken away. We stand strongly against that, because according to the English conception from which these things are derived, right of franchise is right of property and these litigation disputes over property can travel up to the highest tribunal because it is necessary that the

litigants should get the opportunity of the highest tribunal. I do not know, Sir, why right of franchise, which under the democratic conception is a very precious property than any other property, should be saddled by Judges who at least are less competent than the Judges who adorn the benches of the highest judiciary.

So far as the question of expedition is concerned, I submit, Sir, nowadays the High Court Rules and Circular Orders are for the expedition of ordinary cases, not to speak of extraordinary cases. If the matter can be decided by the District Judge as a Special Judge, I do not know why even the ordinary courts cannot deal with them peremptorily. Sir, there are ample provisions in the High Court Circulars that special cases should be dealt with peremptorily, and you know, Sir—even though you are not a practising lawyer to-day—in the civil courts cases are decided to-day in course of less than three months which originally used to take about two years. And if stringent measures are necessary, if precautionary measures are necessary, well, the Ministry for the Judiciary and Executive can write to the Hon'ble High Court asking for the High Court's special intervention in these cases and asking the High Court to give directions to the lower courts to whip up the trial and decision of such cases. The Munsifs and the District Judges can speedily dispose of these things in course of a month, and an appeal to the High Court for special arrangement can also be disposed of in course of two or three months. There is absolutely no reason to suspect or distrust the existing provisions of the Local Self-Government Act and there is no reason to discredit and condemn the existing provisions of the civil court. They have been quite good for dispassionate and disinterested people, and the Government is trying to find fault with them only in the interest of a few people, and we are not certainly going to countenance this position.

Mr. Speaker, Sir, Mr. Atul Kumar has just expressed the considered opinion of the House, at least of the Opposition, that the Government is toying with not only legislative measures, but it is toying also with the views of the public in dealing with this matter in such a fashion. You know, Sir, that when towards the end of the first week of April the question of the Floud Commission Report discussion came up, the Hon'ble the Revenue Minister stood up in his nonchalant way—I hope he was not sincere—and challenged the Opposition for trying to shelve the discussion of the Floud Commission Report. We expressed our anxiety to go into the matter and you yourself, Sir, in your wisdom said that the matter must necessarily wait because the volumes were not circulated. At that time both yourself and the Opposition discussed the question on the basis of the understanding that the House was not going to continue beyond the 9th of April. But 9th of April came and went by, and it was heard that the Dacca Emergency Legislation Bill will have to be discussed and, therefore, even after

the recess the House would have to be summoned in order to discuss this question. Sir, it has been very aptly said that if the House was resummoned or if the House continued after the Easter, the House ought to have continued only for discussing the all-important recommendations of the Floud Commission. Sir, merely to discuss a toy Bill like this there has been so much huge waste of time, so much huge waste of public money of the none too wealthy exchequer of this province. Sir, thousands and thousands of rupees have been spent over this petty and petulant Bill which is meant only to placate the vanity of interested quarters. We know that we cannot hold up the passage of this Bill; we know that we are in a minority; but then still we know that our heart is the heart of the province, and we know that we are voicing the feelings of the province at large My friend Mr. Jalaluddin Hashemy was good enough to refer to certain opinions that he received from certain chairmen who belong to the Coalition Party Well, I will supplement his observations. I have ascertained the opinions of even chairmen who do not belong to this House or to the Upper House. Sir, the unanimous opinion of persons who are connected with the district board is that there need not be any hurry, and I go further and say that the rule-making power of the Government under the existing law gives plenty of room for certain modifications, if necessary, and the expedition which is now proposed or which is now desired through this legislation can be secured by some amendment of the existing rule or by the promulgation of fresh rules. The worst feature is this. The Bengal Local Self-Government Act can be amended and overhauled to a large extent in certain material particulars. We would be very glad to welcome a Bill which would propose a radical reconstruction of the existing legislation with regard to Local Self-Government. There is a great deal of things to be done with regard to franchise. There is a great deal of things to be done with regard to the administration by the district and local boards. Well, these are things which will concern and touch the vital needs of the people, and if a Bill of that description had been brought, we would only be too glad to lend our support to the Bill with our amendments for improving upon it. But the Bill as it stands is a petty Bill; it is a personal Bill; it is a Bill to placate the vanity of certain members and we on behalf of the Opposition want to throw it and to oppose it lock, stock and barrel.

Mr. SANTOSH KUMAR BASU: Sir, I just want to add a few words to the chorus of disapproval which has been sounded on the floor of the House against the motion which my honourable friend the Minister in charge has brought forward before this House. Sir, serious charges have been made by responsible members of this House that the machinery of the Legislature is being misused, is being

abused, in the interest of particular members of the Coalition Party who are in high favour of the Government. These are serious charges in all conscience, and I hope that my friend the Hon'ble Minister will stand up and will have the courage to refute the charges if there is no basis for them.

Sir, we have seen that in the interest of a particular community or a class, legislative measures have been introduced in this House. Some of them had an economic background, an economic basis upon which the whole superstructure was raised, and as such a great deal might be said in support of those measures. But here is a piece of legislation which is frankly and absolutely personal in character. There is no basis, no justification whatsoever so far as the merits of this piece of legislation are concerned. I know my honourable friend the Hon'ble Minister, the commentator of the Bengal Municipal Act that he is, will stand up and say that there is a provision of a similar nature in the Bengal Municipal Act which provides that election cases are to be instituted before the District Judge who is nominated as a *persona designata*, not in his capacity of a civil court but as the District Judge designated under the Act as the person, as the authority which will deal with these election petitions. I understand a similar course will have to be adopted in these instances and that will probably be the justification of the Hon'ble Minister.

I know, Sir, that in many cases failure of justice has occurred with regard to municipal election cases under the Bengal Municipal Act, because the right of the civil court to pronounce upon the genuineness of the objections that are put forward in such cases has been taken away. I myself can speak from my own experience that Subordinate Judges who have been called *persona designata* and to whom cases have been transferred by the District Judge for being dealt with under the new provision of the Bengal Municipal Act have gone into these matters and given decisions which have met with strong disapproval by the High Court so far as the merits of these cases were concerned. They have declared themselves powerless in view of the provision in the Bengal Municipal Act that no revision or no appeal will lie to a higher court from the decision of these *persona designata*, namely, the District Judge or the Subordinate Judge to whom the election cases may be transferred. I remember particularly one case in which I had the honour of appearing in the High Court. The learned Judge heard the whole case. He found that the decision was palpably wrong and unsustainable on the merits of the case. At the end of the hearing he laughed and said, "I have wasted so much time. I know that I have absolutely no right to go into this matter, but having regard to the nature of the case I thought I should have an inkling as to how these provisions were being worked." I would ask the Hon'ble Minister to utilise the experience that has been gathered in the working of the

Municipal Act in Election cases. They would have been wiser by a little examination of the actual operation of the Bengal Municipal Act in this respect. Even if there be any the slightest justification so far as municipal cases are concerned for ousting the jurisdiction of the civil court or of an appellate court in these matters, there can hardly be any justification at all in cases relating to the district board elections. In the rural areas evidence cannot be secured so fully and so carefully as can be done in urban areas, and persons who fight elections in the rural areas are under greater handicap and require the protection of the court to a much greater extent than would be necessary in the municipal areas. There is that difference between cases from rural areas and municipal areas. You require a closer scrutiny with regard to the evidence brought from rural areas in these election cases than would probably be necessary with regard to cases from municipal areas.

Then, again, even under the Calcutta Municipal Act it is the High Court that has been given the power to entertain cases challenging the validity of elections. From a decision of a High Court Judge sitting singly the defeated party has the right to prefer an appeal to the Appellate Bench of the High Court. All such rights are taken away under the Bill before the House. It has been taken away under the Bengal Municipal Act. That is bad enough, and the working of it has disclosed that that state of affairs is certainly not what should be encouraged or justified by enacting another legislation on similar lines. If the Calcutta Municipal Act gives power to a High Court Judge to hear election cases and gives the right to an aggrieved party to come up before an Appellate Bench of the High Court, why take away such rights from aggrieved persons in rural elections to invoke the aid of the civil court and an appellate court? It has been said that the Dacca elections are responsible for this piece of legislation. There are pending cases in civil courts which have got to be taken out of their jurisdiction and placed in the hands of *persona designata* for the purpose of suiting the convenience of certain *persona grata*. That is the position. *Persona grata* have got to be satisfied by placing their cases in the hands of *persona designata*, and Government have set their seal of approval to this beautifully organised, I shall not use the word "conspiracy," but it is a combination of personal interests which are being sought to be satisfied through the machinery of the Legislature and the Government. I strongly protest against this attempt on the part of the Government and the henchmen of the Government through the machinery of the Legislature, wasting public time and public money in this most unsupportable and unjustifiable manner.

Mr. M. SHAMSUDDIN AHMED: Sir, I will not traverse the grounds that have already been covered, but I think that it is my clear

duty to enter my most emphatic protest as has already been done by two members of my party. Since the discussion began, I have gone through the provisions of this Bill. I could not find any reason whatsoever why the jurisdiction of the Munsifs of the lowest court where civil cases are tried has been sought to be taken away. Sir, much has been said about the Dacca elections. I know that Dacca is looming large not only in the politics of this province, but also in the politics of the whole of India. And may Dacca loom large for many more years? But it is scandalous that this Bill should be hurried through just after the District Board elections have been held at Dacca. This is the first time when elections to the District Board of Dacca have been held under the new Act. Elections have been held and votes have been given by voters to candidates for elections direct to the District Board. Sir, it is my information that some seven or eight cases have been filed against certain successful candidates and there is chairman designate who would be elected chairman of the District Board and possibly notices have been issued on that gentleman and some other gentlemen who are elected to the Board to show cause why injunction should not be granted against them so far as their attending the sittings of the Board is concerned. It is very dangerous and it is most scandalous that just after the election and just at the moment when the House was going to retire, this Bill is being sought to be hurried through. Why this haste? You have delayed the discussion of the report of the Land Revenue Commission. You have not discussed the other provisions of the Act. There are many important provisions of the Local Self-Government Act which ought to be thoroughly discussed. We have been demanding the discussion of many provisions, for example, the abolition of nominations to local bodies. This is a scandalous affair. Elections are held, nominations are held up every year, and other things are rumoured in the air and all kinds of malpractices and corrupt practices have been going on from the lowest strata right up to the upper strata. This corrupt atmosphere must end. The other day at the time of the discussion on the adjournment motion I had to speak out many painful things. To-day I feel and believe that this is the worst feature that has been placed before us. Sir, I have gone through the provisions very carefully, and I find that they are trying not only to sabotage the privileges of the people at large, but they are also thinking—those who are in power to-day possibly are thinking—that by these means the local bodies would be under their control. Possibly, they are thinking that if this Bill is passed into an Act, it will not be possible for others to institute cases or if cases are instituted, directions would be given to officers who would be prostituted and thereby the whole atmosphere would be vicious, and we will move in a vicious circle. Sir, I am speaking with all seriousness on this question of taking away the powers of the Munsifs as also on the question of the deposit of Rs. 100. There is no reason whatsoever as to why you should demand a deposit of Rs. 100 from each petitioner. In the event of a person

getting himself elected by some means which are palpably questionable, it should always be open even to a villager to file an election case. As has already been pointed out, the civil courts have been trying these cases and disposing of them very well. Then, why is this hurry for a Bill like the present one? Are not the civil courts functioning properly? Is not the Judicial Minister functioning still? Are not the other Ministers functioning properly? If it is the intention of the Government that election dispute cases should be disposed of as expeditiously as possible, they can do so by issuing a circular to the effect that the Munsifs and the Judges concerned should go through such cases promptly and pass final judgments thereon as early as possible. The present Government have made themselves famous by issuing various circulars—private circulars, confidential circulars, secret circulars copies of some of which we have got hold of—and they can very well solve this question of delay in this particular case by issuing a circular only.

Sir, I am convinced that this Bill has been brought in here at the fag end of this session to the exclusion of other important matters only with the intent of installing Government's favourite persons belonging to the Ministerial Party as Chairman and Vice-Chairman of the Dacca District Board. Sir, the Dacca District Board is not a particular concern of ours; we are concerned with the rights and privileges of the 27 districts of Bengal. I find that in the pertinent section 18-I, Government have sought to provide as follows:

"No election of a member of a district board from a local board shall be called in question except under the procedure provided by this Act and no order passed in any proceeding under sections 18B to 18G (both inclusive) shall be called in question in any court and no court shall grant an injunction (a) to postpone an election of a member of a district board or a local board or (b) to prohibit any person declared to have been duly elected"—and this is very important, Sir—"from taking part in the proceedings of a district board or local board of which he has been elected a member", etc.

Therefore, Sir, I say that this provision has been made with a view to attaining some particular object that the Government have in view. I submit that the injunction clause and the clause which deals with the deposit of money are not only prohibitory so far as election cases are concerned but also unjust. This Bill has been brought forward in order to suit the convenience of certain persons or class of persons in the matter of their election as Chairman or Vice-Chairman so far as the Dacca District Board is concerned. And in order to suit the convenience of these persons the public of Bengal will have to pay a large sum of money for these two or three days' sittings of the Assembly after a long recess so that some favourite person may be installed as the Chairman of the District Board of Dacca. This is, Sir, absurd, preposterous and scandalous. I appeal to the ministry that to preserve

its fair name and prestige, it should withdraw this Bill at once and at least for once declare that because a Dacca question is involved, it is withdrawing this Bill. I also appeal to the House not to pass the Bill in its present form.

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

Mr. SHAHEDALI: Sir, I have got a motion. I can also inform you that ex-Minister Mr. Nausher Ali would like to speak on this matter. In the meantime, Sir, before he comes, may I speak for a few minutes?

Mr. SPEAKER: No, no. If he were here, I would be prepared to allow him.

Mr. SHAHEDALI: Sir, I have got a motion of my own. May I speak for only two minutes?

Mr. SPEAKER: I am sorry it is too late.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, little did I expect this storm over a tea cup. To my mind, Sir, this Bill is a very simple and very businesslike measure. It only incorporates some of the accepted principles and provisions in some other statutes. As has been pointed out by my friend Mr. Santosh Kumar Basu, there is a similar provision in the Bengal Municipal Act. Now, Sir, what is the object of this Bill? The object of this Bill is to expedite the reconstitution of some of the district boards. (Rai HARENDRA NATH CHAUDHURI: By means fair or foul!) Sir, insinuations have been made that this Bill has been introduced in the interest of particular individuals and that this is a measure of a personal character. I join issue with these observations. Sir, it is so easy to make these allegations, but I would draw the attention of the House to the Statement of Objects and Reasons of the Bill as introduced elsewhere. There Government made it very clear why they introduced this Bill. Now take, for instance, the position of the Dacca District Board. The Dacca District Board ran its full course of life, namely, five years and two years more, so that seven years have already elapsed and this is the eighth year. My honourable friend Mr. Basu laid great stress on the right of exercising franchise. I entirely agree with him, but I would put it to him whether if these civil suits are allowed to be prosecuted, will it or will it not—(Mr. SASANKA SEKHAR SANYAL: That is what I said and not Mr. Basu.) All right, Sir, I stand corrected. As I was saying, Sir, will it not amount to indirectly deprive one of the right of exercising his franchise by rendering it ineffective?

Mr. SPEAKER: He is carrying the burden of five Ministers! (Laughter.)

Mr. SASANKA SEKHAR SANYAL: That is creating confusion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Then, Sir, I will draw the attention of the House also to section 37 of the Bengal Municipal Act. The provisions of the Bengal Municipal Act have been bodily incorporated in this Bill. So, it is not a new principle that I am asking the House to accept.

Mr. SANTOSH KUMAR BASU: Was there any retrospective effect there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

Mr. SANTOSH KUMAR BASU: That was because there was no Dacca.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope my friend will have patience with me. I hope that as a responsible member and as Deputy Leader of the Opposition he expects Government to explain their conduct, if I may use that expression. (Mr. SANTOSH KUMAR BASU: I am only helping you.) Sir, it is the duty of Government to see that the reconstitution of the local bodies is not unduly hampered. The Dacca District Board has already completed seven years, that is, two years more than its normal life; and this is the eighth year of its life. (Rai HARENDRA NATH CHAUDHURI: Why?) Now, Sir, if these suits are continued, there will be appeals to the High Court; there will be appeals on interlocutory matters, so that it may take two or three years more before there is any chance of reconstitution of the Board.

Mr. SANTOSH KUMAR BASU: Even without suits it has already run for two years more. Who is responsible? I say Government is responsible.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is regrettable, but that does not justify its further prolongation. (Mr. ATUL CHANDRA KUMAR: Why do you penalise all the districts?)

Sir, my honourable friend Mr. Santosh Kumar Basu has said that there are serious abuses of the provisions of the Bengal Municipal Act. Sir, those provisions have been on the statute book for over 11 years, but up till now nobody has come forward with an amendment. If those provisions had been really abused, I am perfectly certain that the legislators would have introduced a non-official Bill for the removal of these abuses. (Mr. SANTOSH KUMAR BASU: Yes, for circulation.) I submit, Sir, that the provisions have not been actually abused. Sir, what are the proposals in this Bill? The proposals are that District Judge, or Subordinate Judge or a judicial officer not below the

rank of a Subordinate Judge would be appointed as authority for trying election disputes. (Rai HARENDRA NATH CHAUDHURI: Sole and final authority.) Yes, sole and final authority, but you know, Sir, that District Judge has unlimited pecuniary jurisdiction and so also has a Subordinate Judge. So, is it very surprising, is it very wrong that Government should ask the House to invest the District Judge or the Subordinate Judge with powers to finally decide such election disputes? (Mr. SANTOSH KUMAR BASU: Without any appeal.) In the Government of India (Provincial Elections), (Corrupt Practices and Elections Petitions) Order, 1936, there are provisions for tribunals and the decision of the tribunal is final. (Mr. SANTOSH KUMAR BASU: We sympathise with you, but you are defending a bad case.) Sir, we are only following the principles already accepted in the Government of India Act and in the Bengal Municipal Act, and I see no reason why there should be so much opposition to the Government proposal.

In this view of the matter, I hope that the House will agree to my motion and will reject the motion moved by Mr. Abu Hossain Sarkar.

The motion of Maulvi Abu Hossain Sarkar that the Bill be referred to a Select Committee was then put and a division taken with the following result:—

AYES 53.

Abdu Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Asimuddin Ahmed, Mr.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Barma, Babu Prombari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Monmohan.
Dat Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N
Hasan Ali Choudhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukherjea, Mr. Tarakanth, M.B.E.
Mukherji, Dr. H. C.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Rai Bahadur Kshirod Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—104.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Mosh).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.

Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafuli, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Biswas, Mr. Rasik Lal.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edhar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Sarwar Hossaini, Mr. Shah Syed.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Golam Rabbani Ahmed, Maulvi.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hassanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Pansi, Al-Hadj Maulvi.
Miles, Mr. C. W.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khandkar, Mr.
Stark, Mr. A. F.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Spoller, Mr. J. N.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. S.
Wordsworth, Mr. W. C.
Yousuf Mirza.

The Ayes being 53 and the Noes 101, the motion was lost.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the Bengal Local Self-Government (Amendment) Bill, 1941, as passed by the Bengal Legislative Council, be taken into consideration, was then put and a division taken with the following result:

AYES—97.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (Alias Lal Miah).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.

Ahmed Hossain, Mr.
Alhazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafuli, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Biswas, Mr. Rasik Lal.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Sarwar Hossaini, Mr. Shah Syed.
Gurung, Mr. Damber Singh.
Golam Rabbani Ahmed.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jaimuddin Ahmed, Khan Sahab Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Pansi, Alhadj Maulvi.
Miles, Mr. C. W.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Naikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Dr.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Stark, Mr. A. F.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Speller, Mr. J. H.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.

NOES—50.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Azimuddin Ahmed, Mr.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukerjea, Mr. Tarakanath, M.B.E.
Naskar, Mr. Hem Chandra.
Nasskar Ali, Mr. Syed.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Rai Bahadur Kshirod Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Shamsuddin Ahmed Mr. M.
Singha, Babu Kshetra Nath.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

The Ayes being 97 and the Noes 50, the motion was carried.

New Clause 1A.

Mr. ATUL CHANDRA KUMAR: Sir, I beg to move that after clause 1 the following new clause be inserted, namely:—

"1A. It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint."

Sir, in the case of a Bill it is the custom that a day should be fixed from when the Bill will come into force. In previous Bills——

Mr. SPEAKER: Don't you think that this amendment is absolutely meaningless in view of the fact that Government is anxious that the Bill should have retrospective effect?

Mr. ATUL CHANDRA KUMAR: That is why, Sir, I propose this amendment. I would prefer this measure in the shape of an Ordinance from the Governor rather than in the shape of a Bill. That is why I cannot but propose such an amendment to be inserted. I have already said that we are opposed to any retrospective effect being given to a Bill like this, and that is why I want to move this amendment that it should come into force after it gets the assent of the Governor.

Mr. SPEAKER: That it must.

Mr. ATUL CHANDRA KUMAR: My point is that it must have prospective effect and not retrospective effect.

Mr. SPEAKER: Even that is not the vital point, because legally speaking, supposing there is no provision for retrospective effect in the Bill and the Governor gives assent in July, the real point is the provision in clause 9. If clause 9 goes, then only it becomes ineffective.

Mr. SASANKA SEKHAR SANYAL: I submit, Mr. Kumar's amendment is directed both against the provision for retrospective effect and also against that of clause 9.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Why don't you reserve your energy for clause 9 and let others go through?

So far as this motion is concerned, Sir, I formally oppose it.

The motion of Mr. Atul Chandra Kumar that after clause 1 the following new clause be inserted, namely:—

"1A. It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint," was then put and lost.

Clauses 1 and 2.

The question that clauses 1 and 2 stand part of the Bill was then put and agreed to.

Clause 3.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move the amendment standing in my name, viz., that in clause 3 in the proposed section 18B(2), in line 2, after the word "candidates" the words "or any number of them" be inserted.

Mr. SPEAKER: Mr. Ghose, I think your amendment does not convey any meaning. Let us find out what will be the language if your amendment is accepted. If there is any dispute, under clause 3, a petitioner should file a petition under sub-section (1) of section 18B and under sub-section (2) all the candidates or any number of them at the election to which the dispute relates shall be made parties. I think that does not convey any meaning.

Mr. ATUL KRISHNA GHOSE: Sir, may I explain the position? And then if you think that my motion is out of order, I shall accept your ruling.

Mr. SPEAKER: Your point is that it is not necessary that all the candidates should be made parties?

Mr. ATUL KRISHNA GHOSE: Exactly so, Sir. That is my position. I will quote instances in support of my contention.

Mr. SPEAKER: A man may claim relief against two persons, but you must make all the persons parties. Your point is not about relief. So far as relief is concerned, a petitioner can claim relief against one, two or three persons.

Mr. ATUL KRISHNA GHOSE: But there are complexities.

Mr. SPEAKER: Those complexities cannot be solved by this Bill.

Mr. ATUL KRISHNA GHOSE: I think, Sir, there are ways of getting out of them.

Mr. SPEAKER: Anyway, you can speak.

Mr. ATUL KRISHNA GHOSE: Sir, I do not find any reason why all the candidates should be dragged in the dispute, though you, Sir, suggest that all the candidates should be dragged in simply because——

Mr. SPEAKER: Not dragged but "should be made parties."

Mr. ATUL KRISHNA GHOSE: "Should be made parties" means to be dragged. I will explain how and why I am right. In a very recent case that is still going on, I can narrate incidents where it would be better not to make all the candidates parties. Sir, the position is this. There may be cases where the dispute may be against one, two or three persons, but if provision is already made simply because a gentleman is filing the suit against one or two, all the candidates should be—I would prefer the words "dragged in"—the net result becomes that people who have had nothing to do with the dispute are also dragged in and are compelled to incur expenditure which they could safely avoid if there would have been some provision that some particular candidates would be made parties in the dispute. Sir, in the decision of several cases it has been found that the Tribunal has given its judgment in which although all the candidates were made parties they implicated only a few and discharged the others. For example, Sir, even in a recent case there were 10 candidates and the dispute was against all the ten candidates. Now, Sir, the Judges are at liberty——

Mr. SPEAKER: What is the meaning of the words "or any number of them shall be made parties"? Please refer to the word "shall"; the latter part is "shall" You say that any number of candidates shall be made parties, but what will be the meaning of that?

Mr. ATUL KRISHNA GHOSE: Suppose, Sir, there are ten candidates—

Mr. SPEAKER: Your draft should have been—"provided it was open to a petitioner to file his application only against such persons against whom he claimed relief"

Rai HARENDRA NATH CHAUDHURI: Relief may be claimed against certain candidates.

Mr. SPEAKER: That is what I am saying. As the draft stands, merely making it necessary that all should be made parties does not necessarily mean that they must be made parties against whom relief is claimed. It will always be open to the petitioner to technically make every one a party and claim relief.

Mr. SURENDRA NATH BISWAS: Can we not change it into "or such of them against whom relief is claimed"? Will you not accept it as a short-notice amendment?

Mr. SPEAKER: No, that cannot be done.

Mr. ATUL KRISHNA GHOSE: Sir, the position that I am arriving at is this. There might have been occasions; for instance, in an election dispute the intention of the person might have been that he would file a case against two or three candidates, but if a provision like this is passed without any such amendment, then the party who filed the suit will have to file the suit against all the candidates.

Mr. SPEAKER: Without claiming relief against them?

Mr. ATUL KRISHNA GHOSE: May be.

Mr. SPEAKER: Then other persons need not spend a pice.

Mr. ATUL KRISHNA GHOSE: Sir, the effect of this Bill will be that candidates who are, really speaking, not parties have to incur expenditure. These are the issues for which I had to put this amendment and as such I hope that the House will accept it.

Mr. SPEAKER: If you see the operative clause, you will find that the court has power to declare the election of such a candidate to be void. It is not given the right to declare the whole election to be void necessarily.

Mr. ATUL KRISHNA GHOSE: Sir, that is an argument on behalf of my amendment.

Mr. SURENDRA NATH BISWAS: Sir, in rising to support my friend Mr. Ghose, I would like to say a few words; although I do not think that the words of his amendment are very happy but as you have already observed, Sir, the intention is clear. Now, Sir, supposing that a defeated candidate wants to file a petition and there are ten candidates. Under the existing law if the defeated candidate so chooses, he may bring the case against the successful candidate without making the other eight candidates parties to the suit. But you will find, Sir, that under sub-clause (*2*), the petitioner shall have to make all the candidates parties and shall under sub-clause (*3*) have to deposit Rs. 100 as security for the costs of each of those candidates. Sub-clause (*3*) runs thus—"The petitioner shall, at the time of filing the petition under sub-section (*1*), deposit in court one hundred rupees as security for the costs likely to be incurred by any of the respondents."

"At the time of filing the petition", mark the words, the petitioner shall have to make deposit of Rs. 100 for every respondent in the case. This will be rather a prohibitive clause, so that an aggrieved party may not go to court if he is poor. As you know, Sir, this law relates to elections held of rural people, and we have got experience that the persons who generally stand as candidates for election in a rural area are not rich people. So, I submit, Sir, that there is force in the contention of Mr. Ghose that the petitioner should be allowed to make those candidates only parties to the case whom he thinks necessary. There may be many cases in which the successful candidate only needs be made party and not other candidates. If relief is obtained against the successful candidate and the election is declared void, then in many cases the whole election will automatically be held void or the petitioner, if he has obtained the nearest vote, may be declared duly elected. The right which sub-clause (*1*) is going to give a defeated candidate, is a right to submit a petition to the District Judge for relief, but it is being practically denied by sub-clause (*3*) as we apprehend that sub-clause (*3*) will be carried. So, I submit, Sir, that my friend's amendment should be accepted by the Hon'ble Minister, so that the law may not be prohibitive for a poor defeated candidate to get relief.

Mr. SASANKA SEKHAR SANYAL: May I suggest one thing? My friend Mr. Surendra Nath Biswas has amplified the point of Mr. Atul Krishna Ghose. I think that the problem will be solved if instead of the word "which" the word "whom" is inserted.

Mr. SPEAKER: Let us see the Government attitude.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid I cannot accept the amendment. I must oppose it. It is only reasonable and fair that all the candidates should be made parties to an election petition, and the matter should be decided in their presence. If any candidate thinks that his position is not in any way affected by the petition, he may choose not to appear.

Mr. SURENDRA NATH BISWAS: Is that a reply to my contention that the sub-clause is a prohibitive one?

Mr. SPEAKER: Anyway, that is the reply of the Hon'ble Minister.

The motion of Mr. Atul Krishna Ghose that in clause 3 in the proposed section 16B(*2*), in line 2, after the word "candidates" the words "or any number of them" be inserted was then put and lost.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that in clause 3, the proposed section 18B (3) be omitted.

I further beg to move that in clause 3, in proposed section 18B (3), line 2, for the words "one hundred rupees" the words "fifty rupees" be substituted.

Sir, this is an innovation. What earthly reason can there be for introducing an absolutely new section? The only possible argument in favour of introducing this sub-section may be that to put a check on frivolous and vexatious petitions this clause is introduced. But, Sir, I will remind the House that a sum of Rs. 100 may be a trifling amount to the Minister in charge of the Bill and some members opposite. To others, however, it is not a trifling sum. In this age when we advocate democracy, there is a fair prospect that proletarians will be contesting seats in local bodies, and it will be a great hardship on the part of proletarians to deposit Rs. 100 for filing a petition. Sir, this is introduced to debar poor men from filing a petition to have their grievances redressed in the court. I have, therefore, suggested that if the Government is really serious in asking for a deposit while filing a petition, it should be reduced from Rs. 100 to Rs. 50. I submit that if it is the intention of the mover that he really wants to put a check on frivolous or vexatious petitions, the object may be attained by asking for a deposit of Rs. 50 and that will be enough for putting a check on vexatious petitions. The franchise is only 6 annas union board tax for the membership of local and district boards and at best only 8 annas rate is sufficient for membership of local bodies. Therefore, you can imagine the kind of people that will aspire to contest seats to become members of local bodies. Sir, in the comprehensive amendment made in the year 1932 there was no such provision demanding a deposit for filing a petition. The Hon'ble Minister in charge has not stopped there. In the next section with which I shall deal later on, he has asked for a further deposit or security. My second amendment for reducing the amount from Rs. 100 to Rs. 50 is very reasonable and I hope, Sir, that the Hon'ble Minister belonging to the party opposite will accept this small suggestion put forward by me. I appeal both to the Minister in charge and to the members opposite belonging to the Government Party to reduce the amount and thus give some relief at least to poor men who will be aggrieved parties. That will be natural. Therefore, this humble amendment of mine will be an acid test, and I hope that the party opposite will support my simple amendment.

Mr. SASANKA SEKHAR SANYAL: Sir, I beg to support the amendment of my friend Mr. Syed Jalaluddin Hashemy. The policy of all Provincial Governments is on the one hand to increase the franchise and also on the other hand it ought to mean increased

and increasing facilities for persons in the lower rungs of the social ladder to contest the elections. Local self-government concerns primarily and principally men of the villages. By the amendment of 1936 the range of contesting elections by persons who are habitual residents of the urban area has been restricted with the acknowledged object of throwing open these elected seats largely to *bonâ fide* residents of rural areas, and unless Sir Bijoy Prasad Singh Roy or for the matter of that any Minister is supposed to come from outside Bengal there should not be any difficulty on the part of the Cabinet to understand that deposit is a forbidding factor and persons who are otherwise desirous of contesting the seats, persons from rural areas who are otherwise eminently fit for going as representatives to the local and district boards, will be scared by this deposit for two reasons. In the first place, in the rural areas the average man has not got Rs. 100 in his possession at any time of his life, and in the second place the idea of deposit carries with it the implication and the threat that the deposit may be forfeited under untoward circumstances. Even those people who come out victorious at the end of the polls by a thumping majority cannot foresee at an early stage of the election that they would be victorious. Just as there is the chance of victory, there is also the risk of defeat; and just as there is the chance of victory by thumping majority, so also there is the risk of forfeiting the deposit money required under the provisions of the law. Therefore, the average man of the village will take this measure as a preventive and a deterrent measure, for the introduction of this new element in the Local Self-Government Act practically restricts the scope of election by *bona fide* villagers. I repeat what I have said, viz., that even a well-to-do rural representative living in the village area ordinarily is not in possession of Rs. 100 at any time in his life. I will not appeal to the experience of the Cabinet members because probably their knowledge of the rural people is not so encouraging, but I will appeal to the members of the Coalition Party, especially to those persons who are now adorning the offices of chairman of certain districts, and ask whether it is their experience that members of the district boards who have been returned and who are still occupying their positions as such are ordinarily so solvent economically as to be able to furnish Rs. 100 for this deposit. Let us see whether it is the policy of the Cabinet to restrict the scope of the real representatives of the masses or to enlarge their scope for election. If they stand by their profession that they are out to give larger facilities to rural people—*bonâ fide* rural people and not masquerading rural people—then I may at once put it to them and to their supporters, the members of the Coalition Party, as to how it is consistent with that policy. In the same breath you are saying that people should come more and more from the actual village areas and simultaneously you are also saying that there should be this forestall of a deposit. This is inconsistent with

what we know about the conditions of the villagers: this is inconsistent with the progressive policy of any Government: this is absolutely contradictory to the professions of the Bengal Cabinet; it goes against the desires and wishes of the people whom we represent. Therefore, on this principle we on behalf of the Opposition oppose this measure.

Then, Sir, our apprehension that this Bill is contemplated for the benefit of particular persons is borne out further by this pernicious clause because certain persons whom my Deputy Leader has described as "*persona grata*" are out in their greediness to capture all offices in the district boards. For example, my good friend, Mr. Shahabuddin, my other good friend, Mr. Salim, all these good friends are so desirous of doing patriotic work that they feel that they are not serving their people fully by being members of this Assembly, but that they want to serve as well by adorning the chairs of the district boards, either as members or as chairmen and vice-chairmen. And, therefore, they are introducing clauses in this manifestly pernicious Bill by which they are only consolidating their own positions and at the same time destroying the facilities for their own people who might otherwise have come into the district boards to serve their community at least as well as these people, if not better——

Mr. SPEAKER: I take it that this Rs. 100 means that only Rs. 100 in all is required to be deposited by the petitioner as security for the costs likely to be incurred by any of the respondents.

Mr. SASANKA SEKHAR SANYAL: That is also my interpretation, Sir, but still I have some doubts. I hope the Hon'ble Minister will make it clear. Of course, his making the point clear is no final and conclusive proof. In any way, the wordings would be better if instead of the words "by any of the respondents," they were "likely to be incurred by the respondents."

Mr. SPEAKER: On a second thought, I find that this sum might be given to only one person by the court and in order to guard against that we have the expression "likely to be incurred by any of the respondents."

Mr. SASANKA SEKHAR SANYAL: Why not "by the respondents"? That would make it better.

Mr. SPEAKER: I think that is the interpretation which Government gives.

Mr. SASANKA SEKHAR SANYAL: But that does not concern much.

My stand is upon the vital question of principle, because it is no use professing from the house-tops that they were giving facilities to the people at the bottom and at the same time introducing clauses which are——

Mr. SPEAKER: What is this deposit for? I cannot account for it. Is it for any local board election?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, certainly. One hundred rupees deposit under section 16 (*a*) on or before the date fixed for the nomination of a candidate——

Rai HARENDRA NATH CHAUDHURI: What is that for? That is for nomination and that is not a suit deposit.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I know what I am reading.

Mr. SASANKA SEKHAR SANYAL: I hope I shall be able to explain the position, if the Hon'ble the Revenue Minister will hold his soul in patience for one moment. I know one gentleman by the name of Sir Bijoy Prasad Singh Roy who was a party in an election petition. The petitioner had to deposit Rs. 1,000 for the election petition under the statute and he had to deposit another sum of Rs. 10,000 for costs likely to be incurred by the respondents. So this is a matter on the analogy of costs likely to be incurred, and the costs likely to be incurred relate only to suits in connection with election disputes and not to election deposits as such. There is a great deal of difference between the two.

Mr. SPEAKER: I asked what for that deposit is required?

Mr. SASANKA SEKHAR SANYAL: That is a nomination deposit and this is a suit deposit.

Sir, I find that the Hon'ble Minister has not listened to any of the arguments I have so far advanced, and that he will not listen to any of our arguments with respect. I submit that my arguments are not meant to rectify the Ministers who are incorrigible. I am only directing my arguments to the members of the Coalition Party so that my friends of the Coalition Party will not merely wag as the tails of the Cabinet, but will sometimes make the Cabinet to wag as the tail of the Coalition Party itself.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. The amendment proposed in the Bill is very simple. I do not think it is capable of any serious misconception that Rs. 100 in all should be deposited.

My friend, Mr. Sanyal, is very anxious to give facilities to the rural people—to the poor indigent rural people—to fight election petitions, but he is not anxious to see that the elected representative is allowed to function without being hampered by the rural people. Frivolous election petitions are to be discouraged. Sir, deposit forms an invariable feature of election petition rules. I will draw the attention of honourable members to the provision in the Indian Corrupt Practices Election Order, Rule 29. There is a provision for deposit of Rs. 1,000. Here in the Bengal Municipal Act there is a provision for deposit of Rs. 50. Sir, you were pleased to ask what is the amount of deposit in case of nomination of candidates in district board election. I would just draw the attention of the House to the section. The section runs as follows: "On or before the date fixed for the nomination of candidates, each candidate for election as a member of a district board or a local board shall deposit with the Magistrate of the district a sum of Rs. 100 in cash in case of a district board and a sum of Rs. 50 in cash in case of a local board election." (Mr. SYED JALALUDDIN HASHEMY: That can be reduced.) Yes, I know that there is a provision to reduce the amount if necessary. That shows that the deposit is necessary and is contemplated just to keep away frivolous candidates. It is more necessary to keep away frivolous election petitions, and that is why we have suggested a deposit of Rs. 100.

The motion of Mr. Syed Jalaluddin Hashemy that in clause 3, the proposed section 18B (3) be omitted, was then put and lost.

The motion of Mr Syed Jalaluddin Hashemy that in clause 3, in proposed section 18B (3), line 2, for the words "one hundred rupees" the words "fifty rupees" be substituted was then put and a division taken with the following result:—

AYES—43.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Aziruddin Ahmed, Mr.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Barma, Babu Prambari.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Narendra Nath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendr. Nath.
Masiruzzaman Islamabadi, Maulana M.
Naskar, Mr. Hem Chandra.

Nasther Ali, Mr. Syed.
Ramiruddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Walker, Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—89.

Abdul Aziz, Maulana Md.
Abdul Haiz, Mr. Mirza.
Abdul Haiz, Mr. Mia.
Abdul Hakim Vikramperi, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
AbduHah-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirti Bhusan.
Dass, Babu Debendra Nath.
Edhar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hossini, Mr. Shah Syed.
Gyasuddin Ahmed Choudhury, Alhadj.
Golam Rabbani Ahmed.
Haddow, Mr. R. R.
Haiziuddin Choudhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Maiizuddin Ahmed, Dr.
Maiizuddin Ahmed, Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Miles, Mr. C. W.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putu Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Putiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Sarajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khandkar, Mr.
Spaller, Mr. J. H.
Sinclair, Mr. J. F.
Sirdar, Babu Lalla Monda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Stark, Mr. A. F.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yusuf Ali Choudhury, Mr.

The Ayes being 43 and the Noes 89, the motion was lost.

Adjournment.

It being 8 p.m.—

The House was adjourned till 4-45 p.m. on Wednesday, the 23rd April, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 23rd April, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 6 Hon'ble Ministers and 186 members.

STARRED QUESTION

(to which oral answer was given)

Posting of a 3rd Munsif at Munshiganj subdivision.

***249. Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware—

(*i*) that the 3rd Munsif of Munshiganj has been transferred a long time ago from there;

(*ii*) that at present there is no Munsif in the said Court;

(*iii*) that cases are pending there for over months together; and

(*iv*) that the Subdivisional Munsif works till evening to dispose of cases?

(*b*) If answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of posting a 3rd Munsif there?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) The last incumbent made over charge on the afternoon of the 21st November, 1940.

(*ii*) Yes.

(*iii*) Old cases, other than those stayed by Debt Settlement Boards, are very few.

(*iv*) Government is informed that the present Subdivisional Munsif often works till evening.

(*b*) No proposal for the posting of a 3rd Munsif at Munshiganj at present has been made or is under consideration.

Short notice question.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, may I draw your attention to one thing? I gave notice of a short notice question, and I understood that the Hon'ble Prime Minister would give a reply to that. May I know the fate of that short notice question?

Mr. SPEAKER: I cannot say just now.

Mr. SURENDRA NATH BISWAS: The House is going to be prorogued to-day.

GOVERNMENT BILLS.

The Bengal Local Self-Government (Amendment) Bill, 1941.

Clause 3.

Mr. SHAHEDALI: Sir, I beg to move that in clause 3, in sub-section (3) of proposed section 18B, in line 4, for the word "respondents" the words "opposite parties" be substituted.

As a lawyer you know, Sir, that when an application is made, the parties are generally called the petitioner and the opposite party. When an appeal is filed before High Court, the parties are called appellant and respondent. The Hon'ble Minister also knows the difference, and I believe he will accept this. Of course if he thinks that by accepting it there is a chance of this Bill going to the Upper House, he may not accept it, but the legal terminology demands it.

With these words I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose the amendment. The word "respondent" appears also in the Indian Election and Corrupt Practices Order, 1936. So I think it is better to stick to that phraseology.

The motion of Mr. Shahedali that in clause 3, in sub-section (3) of proposed section 18B, in line 4, for the word "respondents" the words "opposite parties" be substituted was then put and lost.

Mr. ATUL CHANDRA KUMAR: Sir, I beg to move that in clause 3, the proviso to sub-section (3) of proposed section 18B be omitted.

Sir, the proviso runs thus:—

"Provided that the validity of any election shall not be questioned in any petition under this section—

(a) on the ground that the name of any person qualified to vote has been omitted from the electoral roll, or

(b) on the ground that the name of any person not qualified to vote has been inserted in the electoral roll."

In the Statement of Objects and Reasons when the original Bill was placed before the Council, it was stated that the Bill was necessary only to expedite the proceedings. It is stated, "the life of the Boards concerned would be unduly prolonged in all these districts in consequence of such resort to dilatory Civil Court proceedings. To guard against such undesirable consequences this Bill seeks to provide for a special machinery for the decision of disputes relating to elections held under the Bengal Local Self-Government Act of 1885 and at the same time oust the jurisdiction of Civil Courts in respect of such disputes as has been done under the other Acts relating to the administration of local self-government in the province."

They only wanted to expedite the cases and to oust the jurisdiction of the Civil Courts. All that was stated in the Statement of Objects and Reasons. Certainly they don't want to give protection to a non-voter to become a member of the district board. Supposing one X-gentleman of Dacca, or one Y-gentleman of Chittagong or one M-gentleman of Burdwan who was not qualified as a voter got himself elected as a member of the district board. Cases have been filed against persons on this ground only, that they were not qualified as voters. Now the Bill says on this ground there can be no election petition. So far as clause (a) of the proviso is concerned, it is unnecessary and redundant, because the Act itself provides in section 36A——

Mr. SPEAKER: Your point is if a candidate is not a voter and yet his name is wrongly entered, even then he cannot be challenged?

Mr. ATUL CHANDRA KUMAR: Yes.

Mr. SPEAKER: The candidate's eligibility will depend upon the law itself. This is really about the voters.

Mr. ATUL CHANDRA KUMAR: No.

Mr. SPEAKER: No Court will interpret like that. If there is a man having no qualification at all and yet his name is entered, then this clause will not save him.

Mr. ATUL CHANDRA KUMAR: It will save him.

You will find that section 36E (*2*) reads thus:—

"A person qualified under sub-section (*1*) shall be entitled to vote at such election if his name is included in the electoral roll prepared for the purpose of election of members of the district board in respect of the said area, but not otherwise."

He is entitled to vote. Let him vote. We don't mind that, but he cannot be qualified as a candidate. If he anyhow manages to be a candidate without being qualified to be a voter, how can he escape the law? Here protection is going to be given by seeking the abolition of the proviso. In the Act itself, in section 18B there is no such provision for which this proviso has been substituted.

Sir, so far as the question of scrutiny is concerned, I anticipate that the Hon'ble Minister will give a reply that the Returning Officer is the final authority. I shall refer to that later on. But so far as the question of election is concerned, my point is that if this proviso is not omitted, a man who is not qualified to vote would get the chance of being elected uncontested in case the nomination papers of other candidates are cancelled. Let me illustrate by an example. Supposing X of Calcutta who is a very influential man wants to be a member of the Malda District Board though he is not a voter and in the preliminary list which was published his name was not found but just before the final publication of the electoral roll he gets his name enlisted in the electoral roll of Malda. What will be the result? The result will be that X, though not qualified, may file his nomination paper for a particular constituency, and if another gentleman also files nomination paper for that constituency and if that is cancelled, X of Calcutta will get himself elected uncontested My point is, if he is qualified as a voter, let him have the protection as others have got. But there is no such protection in the old Act, and you are going to have this Bill passed on the plea that you want to oust the jurisdiction of the Civil Court as has been done in the Municipal Act and other Acts of union boards. I think, under the plea of ousting the jurisdiction of the Civil Court and on the plea of expediting the cases, protection is going to be given to non-voters against whom cases have been filed. You will find under Notification No. 1887G.L.S.-G.——

Mr. SPEAKER: Would not that be an improper acceptance of the nomination?

Mr. ATUL CHANDRA KUMAR: Yes, Sir, under section 18D (*1*) (*e*).

Mr. SPEAKER: Section 18D (*1*) (*e*) is a new attempt.

Mr. ATUL CHANDRA KUMAR: I have got an amendment to that clause also, viz., the result of "scrutiny" in place of "election". Here "scrutiny" is not mentioned.

Mr. SPEAKER: The result of the election may be affected if the candidate is not a voter.

Mr. ATUL CHANDRA KUMAR: But, Sir, if this amendment is accepted, it will give sufficient protection to the *bonâ fide* candidates.

Mr. SHAHEDALI: Sir, I beg to move that in clause 3, in paragraph (*a*), of the proviso to sub-section (*3*) of proposed section 18B, in line 2, after the words "has been," the words "*bonâ fide*" be inserted.

I beg also to move that in clause 3, in paragraph (*b*) of the proviso to sub-section (*3*) of proposed section 18B, in lines 2 and 3, after the words "electoral roll," the words "if such entry do not materially alter the result of the election" be inserted.

Sir, the proviso runs thus:—

"Provided that the validity of any election shall not be questioned in any petition under this section—

(*a*) on the ground that the name of any person qualified to vote has been omitted from the electoral roll, or

(*b*) on the ground that the name of any person not qualified to vote has been inserted in the electoral roll."

So, there are two things, positive and negative. If there is a wrong insertion the election will not be void and if there is an omission the election will not also be void. This Bill has only cured the difficulties arising from corruption and illegality by validating them. People may indulge in all sorts of mischiefs, in all sorts of omissions and commissions, in all sorts of corruption; still the election will not be set aside. So, it can be rightly called the Illegality and Corruption Validating Act.

Now, Sir, so far as paragraph (*b*) is concerned, in case the difference in the number of votes polled by two rival candidates is only two and if in that case there are two voters who are not qualified to vote, there should be some such provision as I have suggested in my second amendment. Therefore, my submission is that the wrong insertions should be limited to such a small number as not to materially alter the result of an election.

Mr. SURENDRA NATH BISWAS: Sir, I rise to say a few words in support of the amendment——

Mr. SPEAKER: Only a few words!

Mr. SURENDRA NATH BISWAS: Yes, Sir, only a few words. May I point out, Sir, that sub-clause (*e*) of section 18D protects the aggrieved person against the result of an election which has been affected by the improper acceptance of a nomination. If that provision is there, what will be the effect of this proviso if one person complains that a successful candidate has got an improper nomination? In that case the grounds alleged in the petition may be that he was not a voter and still he got the nomination. If the name of a candidate who is not actually qualified to vote is inserted in the electoral roll and if he gets nomination and ultimately becomes successful in the election, he becomes a full-fledged member in spite of sub-section (*e*) of section 18D. Therefore, if this proviso is not eliminated from this sub-section, then the remedy that is contemplated in sub-section (*e*) of section 18D becomes frustrated. The two things cannot go together. I submit that if the Government intends to give any remedy under sub-section (*e*) of the proposed section 18D, Government must delete this sub-clause (*b*) of the proviso to section 18B (*3*).

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I could not exactly follow the line of arguments advanced by my honourable friends because I think it is an accepted principle of——

Mr. SPEAKER: Mr. Kumar's contention is that if a successful candidate is not really a voter although his name had been entered in the voters' list, how does it validate his election?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The point is this: if a person is not really entitled to vote but if his name once enters the electoral roll, I think that entry cannot be questioned, because the public had been given an opportunity beforehand of questioning the validity of the electoral roll. First, a preliminary list is published; objections are then invited and then the final list is made. So it is only at the preliminary stage that any objection can be raised.

Mr. SPEAKER: Supposing that a person after the publication of a preliminary list applies for the first time, and then his name is accepted, what will be the position?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: When he makes an application, the idea is that the Returning Officer will go into his claims and after satisfying himself he will either accept or reject the application. I submit, Sir, that if we allow the validity of the electoral roll to be questioned in an election petition case, that will open

Mr. ATUL KRISHNA GHOSE: Mr. Speaker, I bow down to your ruling, but how can you expect that the members will maintain the standard when the Government is going to stoop so low to ruin all possible standards in Bengal? This Bill itself is below all possible standard that a civilized society can conceive of. This ministry is killing the standard of any society and as such how can you expect, Sir, that we will maintain the standard, and we will give a speech dignified to the House?

Mr. SPEAKER: But I am responsible to see that the standard is maintained.

Mr. ATUL KRISHNA GHOSE: Then, Sir, the only alternative is, let them proceed with anything as they like; let them do anything they like; we will not expose them; we will not speak about the corruptions that they indulge in; we will not speak on legislations which are meant for corruption; we will not mention about personal nepotism indulged in, in this House in the name of Bengal. This is in reply to you, Sir. Let me now come to the point. I know, Sir, this ministry sometimes when their party interest is concerned will exercise the right to transfer the District Judge at their own sweet will by a telegram and will put a Subordinate Judge there to serve their purpose. I can narrate one case in my own district of Jessore. When Mr. Saibal Gupta was District Judge there, there was a case pending of a party which was against this ministry, that is, Maulvi Nausher Ali's party, and Maulvi Waliur Rahman was removed from the chairmanship of the district board. The moment the case went to the District Judge—and Mr. Saibal Gupta being an I.C.S. man did not care for this ministry—he was transferred from this place by a telegram and a Subordinate Judge was placed who could be influenced by the present ministry. Rightly or wrongly, this is the impression to-day and if this impression brings our speech below the standard of the House, we are helpless.

Mr. SPEAKER: But you have got to keep the standard. I am sorry I cannot allow you to go below that.

Mr. ATUL KRISHNA GHOSE: Anyway, we are under the impression, rightly or wrongly, that if Subordinate Judges——

Rai HARENDRA NATH CHAUDHURI: Why wrongly?

Mr. ATUL KRISHNA GHOSE: It is because of the wish of Mr. Speaker.

Mr. SPEAKER: Mr. Ghose, you have thoroughly misunderstood the position. You cannot say against the conduct of a particular Judge in a particular case.

Mr. ATUL KRISHNA GHOSE: Sir, I do not mention the conduct of a particular Judge. I say——

Mr. SPEAKER: It is no use arguing with you. I have found it very difficult to argue with you.

Mr. ATUL KRISHNA GHOSE: Subordinate Judges are more or less within the control of the present cabinet and as such we do not expect that these Subordinate Judges will be in a position to decide these disputes. This is an important point of argument.

Mr. SPEAKER: Mr. Ghose, I think your argument is wholly wrong and is absolutely beside the point, because control and transfer of Subordinate Judges are entirely made by the High Court and not by the Government of Bengal under the Statute and the Government of India Act. You ought to know the facts before you make a statement, and you ought to know the facts before you make aspersions against a body of officers who for several decades past have maintained unspotted reputation and say that they are being influenced. Your argument that they are transferred by the Government of Bengal is wholly wrong and is beside the point. After all, let us remember that they are our men and that the honour of these persons is in our hands. Your argument is entirely irrelevant.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My honourable friend's arguments stand self-condemned, and I was going to point out, but you, Sir, had anticipated me, that the transfers of Subordinate Judges are done by the High Court and the much maligned Cabinet has nothing to do with them. The transfers of District Judges are done by the Government with the concurrence of the High Court. The Government are not a free agent, and they cannot certainly transfer Judges or Subordinate Judges to suit political exigencies.

My friend, the mover of the amendment, Mr. Atul Krishna Ghose, wants to place more reliance on the District Judges than on Subordinate Judges, and he wants to refuse jurisdiction to the Subordinate Judges over election disputes. I think that public opinion in Bengal will not support him because the Bengal Judicial Service enjoys a very high reputation and the public has got implicit confidence in its impartiality, integrity and capacity of the members of that service to go into intricate questions of fact and law. So, I oppose the motion.

The motion of Mr. Atul Krishna Ghose that in clause 3, in proposed section 18C (*1*), lines 2 to 5, the words beginning with "or any" and ending with "the Judge" be omitted, was then put and lost.

The motion of Mr. Atul Krishna Ghose that in clause 3 the proposed section 18C(*2*) be omitted was then put and lost.

Mr. SHAHEDALI: Sir, I beg to move that in clause 3, in sub-section (*2*) of proposed section 18C, in line 3, after the words "District Judge" the words "at his own motion or at the instance of the parties" be inserted.

Sir, my object in moving this amendment is to give the party a right to represent before the District Judge his case. The Judge may or may not accept his version, but the right should not be taken away.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose this amendment. The suggested amendment is absolutely unnecessary.

The motion of Mr. Shahedali that in clause 3, in sub-section (*2*) of the proposed section 18C, in line 3, after the words "District Judge" the words "at his own motion or at the instance of the parties" be inserted was then put and lost.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 3, the proposed section 18C(*4*) be omitted.

At the time of filing a petition for setting aside the election, Rs. 100 has to be deposited. Then again, it is said "The Judge may, at any stage of the proceedings require the petitioner to deposit in Court a further sum as the costs incurred or likely to be incurred by any respondent, or to give security, or further security for the payment of the same, and if, within the time fixed by him, or within such further time as he may allow, such costs are not deposited or such further security is not furnished, as the case may be, may dismiss the petition." This would be very hard upon the petitioner as at the time of the petition he will have to pay Rs. 100 and again he will be called upon to pay a further sum This will be very hard on him. So, this provision should not be passed into law.

Mr. SYED JALALUDDIN HASHEMY: Sir, in rising to support the motion of Mr. Md. Abul Fazl, I submit that last evening we dealt at length with sub-section (*3*) of clause 3. The wheel of oppression of this ministry did not stop there. It has gone further. The proposed sub-section (*4*) of 18C—and I would request every member of this House to read it in the light of the proposed sub-section—runs thus: "The Judge may at any stage of the proceedings require the petitioner to deposit in Court a further sum as the costs incurred or likely to be

incurred by any respondent or to give security or further security for the payment of the same, and if, within the time fixed by him, or within such further time as he may allow, such costs are not deposited or such further security is not furnished, as the case may be, may dismiss the petition." Sir, the most funny thing is that no mention of any particular amount is made in this sub-section. No one knows what will be the amount of security that will be demanded by the District Judge. It may be Rs. 500. It may rise up to Rs. 5,000. Sir, it may be even Rs. 6,000 as Mr. Walker suggests or it may be Rs. 10,000. There is security demanded for filing nomination papers. There is security demanded for filing a petition. Further security may also be demanded at any stage of the proceedings, but no mention of the amount is made. This is absolutely a pre-arranged and a designed thing. It is absolutely a contrivance to deprive the poor people of their right to go to the Court. It will be impossible for a man to gather firstly a sum of Rs. 100 to deposit in the Court and if anyhow that sum is arranged, the trial will begin. At that time the District Judge may ask for security of, say, a minimum of Rs. 500. I am sure that no District Judge will demand less than Rs. 500. Is it possible for a villager with a franchise based on the payment of the union board rate of 6 annas to deposit a further amount of Rs. 500? The result is obvious. No poor man will venture to go to Court to have his grievances redressed. It is a designed thing of the Dacca Party as I suggested last evening. Absolutely it is a Dacca Act for the benefit of the Dacca people and for the purpose of the last Dacca elections. Supposing this Bill is passed this evening, the assent of the Governor will be taken to-morrow and the cases now pending before the Civil Court at Dacca will be withdrawn and people will be asked to apply afresh to the District Judge. The District Judge will certainly according to this section demand at least Rs. 500 from each petitioner. Where Mr. Salim is a party and where other Dacca people are parties, it is obvious that a security of Rs. 500 will be asked from the parties concerned. Will it be possible for a poor man to make a preliminary deposit of that amount and will he dare to take the risk of depositing a further sum? He will not. I would appeal to the Hon'ble the Revenue Minister to consider twice before accepting this section. Sir, we have had enough of deposit. Rs. 100, as suggested in section 18B (*3*), is not the only amount of deposit, but there is provision for further deposit. Let the Hon'ble Minister explain the position, and then we will place our view-points.

With these words, Sir, I support this motion.

Mr. SASANKA SEKHAR SANYAL: Sir, in addition to the arguments advanced by my honourable friend the mover of the amendment and the last speaker, may I draw the attention of the House and

Mr. SANTOSH KUMAR BASU: When Sir Bijoy Prasad Singh Roy squeezed himself into the Cabinet by means which are known to us all.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that the Bengal Municipal Bill was rejected by the House when he was not there? Is he aware of that?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What does that matter?

Rai HARENDRA NATH CHAUDHURI: You got that Bill passed when the Congress walked out of the Legislature.

Mr. SANTOSH KUMAR BASU: And when Sir Bijoy Prasad Singh Roy somehow got himself squeezed into the ministerial *gaddi*.

Mr. SPEAKER: His argument is that in spite of the danger you are apprehending, similar provision has been there all this time in other enactments.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It has been on the statute book for the last eleven years and it has survived the test of time.

Mr. SASANKA SEKHAR SANYAL: Will you please read out the section?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: You better do that.

I will also draw the attention of the House for the sake of analogy to the Decision on doubts and disputes about the validity of an election order. Rule 27 (3) says that the Commissioners may order deposit of costs at any time they like. The Commissioners may upon such terms at any time direct the cost to be included in the said list, etc. The Commissioners have got very wide and absolute jurisdiction to direct that more money should be deposited by way of costs. If deposit is not made, the petition is liable to be dismissed. I would again draw the attention of the House to clause 30 of the Indian Election Disputes Order. (Mr. SASANKA SEKHAR SANYAL: Is there any expression "costs incurred"?) Not the exact wording, but it makes no difference. Suppose a particular petitioner produces 100 witnesses, naturally the Court has to give protection to the respondent. Now if the petitioner produces a large number of witnesses and puts the opposite party to

costs, the Court must see that there is some security provided for realising the cost in case of the petition being rejected. (Mr. M. SHAMSUDDIN AHMED: The Court will not see the cheating and bribery that went before the election. What is the protection?) So, Sir, I submit that there is nothing new in this Bill. It is an accepted principle. It has been on the statute book for the last 11 years, it has functioned well; and so I oppose the amendment.

Mr. SASANKA SEKHAR SANYAL: Sir, we want to know whether the expression "costs incurred" has been bodily lifted or whether the other things are bodily lifted.

Mr. SPEAKER: He has not given a reply to that.

Mr. SASANKA SEKHAR SANYAL: But it is a vital matter. I appeal to you, Sir, as Speaker to come to our rescue.

Mr. SPEAKER: If the Hon'ble Minister does not give a reply, I cannot make him do so.

Mr. SASANKA SEKHAR SANYAL: But, Sir, when he has quoted the Bengal Municipal Act he ought to say whether the expression "costs incurred or likely to be incurred" is an expression which has been lifted or it is a later innovation—a gift of the present ministry.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The expression "costs incurred" is there.

Mr. SASANKA SEKHAR SANYAL: At what stage?

The motion of Mr. Md. Abul Fazl that in clause 3, the proposed section 18C (4) be omitted, was then put and a division taken with the following result:—

AYES—48.

Abdul Hakeem, Mr.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sahi Kanta, of Muktagacha, Mymensingh.
Ahmeddin Ahmed, Mr.
Banerji, Mr. Satya Priya.
Barma, Babu Premhari.
Barma, Mr. Pangajit.
Basu, Mr. Jatindra Nath.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Srijut Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Choudhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukerjee, Mr. Taraknath, M.B.E.
Nasker, Mr. Hem Chandra.
Nasther Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.

Raminuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sarkar, Mr. Nalini Ranjan.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Thakur, Mr. Pramatha Ranjan.
Wahiur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—97.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Kader, Mr. (alias Lal Mosh).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Biswas, Mr. Rasik Lal.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Sarwar Hossaini, Mr. Shah Syed.
Griffiths, Mr. G.
Gyasuddin Ahmed Choudhury, Alhadj.
Golam Rabbani Ahmed, Maulvi.
Haddow, Mr. R. R.
Hafizuddin Chowdhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mandal, Mr. Sanku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Miles, Mr. C. W.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Naikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shanabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed, Khondkar, Mr.
Stark, Mr. A. F.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Spoller Mr. J. H.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. O.
Yousuf Mirza.
Yusu Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 48 and the Noes 97, the motion was lost.

The motion of Mr. Shahedali that in clause 3, in sub-section (4) of proposed section 18C, in line 8, after the word "petition" at the end, the words "The Judge however may, on sufficient cause being shown, revive the petition subsequently on such terms and conditions

as the Court may direct, provided the revival petition is made within 30 days from the date of dismissal" be inserted was then put and lost.

Mr. SHAHEDALI: Sir, I beg to move that in clause 3 in paragraph (*c*) of sub-section (*1*) of proposed section 18D, in line 6, after the word "or" at the end the words "religious threat or" be inserted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose the amendment.

The motion of Mr. Shahedali that in clause 3 in paragraph (*c*) of sub-section (*1*) of proposed section 18D, in line 6, after the word "or" at the end the words "religious threat or" be inserted was then put and lost.

Mr. SHAHEDALI: Sir, I beg to move that in clause 3, the following proviso be added to proposed section 18D, namely:—

"Provided that if the corrupt practice comprises of treating the voters with *pan*, cigarette and tobacco only or light refreshment (*e.g.*, *muri*, *murki*, *chira* and *gur*) or payment of ferry hire and if in the opinion of the Judge such corrupt practice is of trivial character and did not materially affect the result of election, he may find that the election is not void by reason of such corrupt practice."

I do not want to give any reason because it is obvious. Speech has no effect on the Coalition Party. So it is unnecessary to say anything.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose it.

The motion of Mr. Shahedali that in clause 3 the following proviso be added to proposed section 18D, namely:-

"Provided that if the corrupt practice comprises of treating the voters with *pan*, cigarette and tobacco only or light refreshment (*e.g.*, *muri*, *murki*, *chira* and *gur*) or payment of ferry hire and if in the opinion of the Judge such corrupt practice is of trivial character and did not materially affect the result of election, he may find that the election is not void by reason of such corrupt practice" was then put and lost.

Mr. ADWAITA KUMAR MAJI: Sir, I beg to move that in clause 3, in proposed section 18G, in line 2, for the word "final" the words "called in question in the High Court only" be substituted.

Mr. A. M. A. ZAMAN: Sir, I beg to support it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose the amendment.

The motion of Mr. Adwaita Kumar Maji that in clause 3, in proposed section 18G, in line 2, for the word "final" the words "called in question in the High Court only" be substituted was then put and lost.

Mr. A. M. A. ZAMAN: Sir, I beg to move that in clause 3, in proposed section 18G, in line 2, for the word "final" the words "appealable to the High Court" be substituted.

Mr. SHAHEDALI: Sir, I beg to move that in clause 3, in the proposed section 18G, in line 2, for the word "final" at the end the words "appealable as if it was a decree of the Civil Court" be substituted.

Mr. A. M. A. ZAMAN: মাননীয় স্পীকার সাহেব, আমি এখানে আমার amendment move কোরলাম তার কারণ হোচ্ছে মন্ত্রী মহাশয় যে Bill এনেছেন তার একমাত্র উদ্দেশ্য হোচ্ছে District Judgeকে final power দেওয়া। এর আগে আমার friendরা বোলেছেন এটা ঢাকা Bill; actually এটা ঢাকা Bill নয়, কারণ এর দ্বারা ঢাকার মেম্বাররা কোন সুবিধা পাবেন না। এই Billএর দ্বারা সুবিধা পাবেন ঢাকার নবাব পরিবারের লোকেরা। যেমন একটা মুর্শিদাবাদ নবাব Act হোয়েছিল তেমনি এটা হোয়েছে একটা ঢাকা খাজা Act. এর দ্বারা ঢাকার নবাব familyর লোকদের ছাড়া আর কারো সুবিধা হোতে পারে না। আজকে প্রায় অর্দ্ধ লক্ষ টাকা খরচ করে তাড়াতাড়ি এই Bill পাশ করবার একমাত্র কারণ হোচ্ছে যাতে খাজা সেলিম সাহেব Dacca District Boardএর Chairman হোতে পারেন। (A MEMBER: He is not নবাবজাদা) সে যাহা হউক, শুধু ওনাকে Chairman করবার জন্য এই Bill পাশ করা হোয়েছে।

Mr. SPEAKER: You are arguing not why it should be appealable. Your argument is quite good for the third reading.

Mr. SASANKA SEKHAR SANYAL: He is giving the grounds.

Mr. A. M. A. ZAMAN: আমার ground হোচ্ছে, আমি দেখাতে চাচ্ছি, ওনারা চাচ্ছেন District Judgeএর কাছে final order করবার জন্য। ওনারা ঢাকা থেকে যাতে control কোরতে পারেন, সেই control করবার জন্য District Judgeএর কাছে final কোরতে চান। ওনারা জানেন যে ভাবে case আরম্ভ হোয়েছে, যে ভাবে সেলিম সাহেব ধরা পড়েছে জাল জুয়াচুরীর মধ্যে এবং অন্যের নাম জাল করে।

Mr. SPEAKER: Mr. Zaman, I have been noticing that you are arguing beside the point. What is the use of discussing all that? Here you are ventilating your grievances. Don't make any allegation more than is necessary.

Mr. A. M. A. ZAMAN: আমি কোন allegation কোরছি না। আমি দেখাতে চাচ্ছি High Court থেকে যাতে justice পেতে পারে।

Mr. SPEAKER: Mr. Zaman, I am sorry to say that you are wrong. You may ask Mr. Sanyal and he will enlighten you.

Mr. A. M. A. ZAMAN : আমি বোলতে চাচ্ছি যাতে High Courtএ এসে final বিচারটা হয়। কারণ High Courtএ যদি final বিচার না হয় তাহলে District Judgeএর কাছে বিচারটা ভাল হবে না ; ওনারা নিজেরাই influence কোরে ওদের নিজেদের যাতে সুবিধা হয় সেই মত বিচার কোরে নেবেন। কাজেই আমরা মনে করি High Courtএ এলে সেখানে justice বলে যে জিনিষটা আছে সেটা পাওয়া যাবে। District Judge বা Sub-Judgeএর কাছে justice বলে কোন জিনিষ নেই, থাকতে পারে না। বর্ত্তমান মন্ত্রিমণ্ডলী থাকতে আমাদের ministry backdoor দিয়ে কাজ করবার চেষ্টা কোরছেন, আজ কেহই চিন্তা কোরতে পারে না যে বাংলা দেশের লোক এখানে justice পেতে পারে। একমাত্র High Courtএ এলে proper justice পাওয়া যেতে পারে, এ কথা সবাই জানেন। কাজেই সেই দিক দিয়ে আমি এটা support কোরছি, এবং অন্যান্য সবাই কে বোলছি। আজকে যাঁরা powerএর গদিতে বসে আছেন হয়ত for the time being ওনাদের সুবিধা হবে ; কিন্তু, ভবিষ্যতে যদি চাকা ঘুরে যায়, ওনাদের অসুবিধায় পড়তে হবে। সেই জন্য বোলতে চাই ওনাদের হাতে ক্ষমতা আছে বলে, সেই ক্ষমতার অপব্যবহার করে গরীব প্রজা সাধারণের সর্ব্বনাশ করবার জন্য উঠে পড়ে না লাগেন। এই Bill তাড়াতাড়ি পাশ করবার জন্য প্রায় অর্দ্ধ লক্ষ টাকা খরচ করা হোয়েছে, অথচ দেশের লোক দাঙ্গা হাঙ্গামায় মারা যাচ্ছে, ভাল ফসল হচ্ছে না সেই দিকে সাহায্য না করে একটা familyকে রক্ষা করবার জন্য তাড়াতাড়ি এই ভাবে Bill আনা অনুচিত। সুতরাং আমি appeal কোরবো যে একটু মনুষ্যত্বের দিক দিয়ে চিন্তা করে আমি যে amendment move কোরছি সেই বিষয়ে ওনারা চিন্তা করুণ এবং support করুণ।

The motion of Mr. Shahedali that in clause 3, in the proposed section 186, in line 2, for the word "final" at the end the words "appealable as if it was a decree of the Civil Court," be substituted, was then put and lost.

The motion of Mr. A. M. A. Zaman that in clause 3, in proposed section 186, in line 2, for the word "final" the words "appealable to the High Court" be substituted, was then put and lost.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clauses 5, 6 and 7.

The question that clauses 5, 6 and 7 stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 stand part of the Bill was then put and agreed to.

Clause 9.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to suggest that clause 9 should be omitted.

This is the last clause of this Bill, Sir, and only as a matter of courtesy let the Hon'ble Minister accept this our last proposal.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A very sporting offer indeed!

Mr. SASANKA SEKHAR SANYAL: Accept it in a sporting spirit.

Mr. SHAHEDALI: Sir, I beg to move that clause 9 (*1*) be omitted.

I beg also to move that in clause 9 (*2*), in lines 7 to 11, for the expression beginning with the words "a petition" and ending with the words "this Act" the following be substituted, namely:—

> "the suit or proceeding calling in question such election pending in the Civil Court, shall be considered a petition under section 18B as substituted by section 3 of this Act and the Civil Court shall transfer all the relevant papers to the Judge before whom the petition will lie."

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, with regard to clause 9, our attitude in asking for the deletion of this clause is consistent with what was said on behalf of the House yesterday. Sir, it was made perfectly clear that no legislative measure should ordinarily be given retrospective effect, and exceptions can be made only in case of economic measures which will ensure betterment of the economic conditions of the people at large. But it is a well-known convention, Sir, that laws which are outgoing should be treated with as much respect as laws which are incoming. And if change of circumstances require an amendment of the existing law, still the amendment should ordinarily be prospective and retrospective effect must

not be given to it. It is now almost admitted that *this is a Dacca* Emergency Bill and clause 9 is practically the pivot of the whole Bill, because it wants to validate certain irregularities and remove certain inconvenience that have arisen in connection with the Dacca District Board election. Sir, this is unfair; this is unjust; and this is against any known principles of a democratic and progressive Government. The elections that were held in Dacca were under the old Act: the suits which have been instituted have been with reference to conditions that exist under the old law. Our Courts are public units: the law which is in force is public property: and they ought to be given their full run so far as they can have it. And if changes are necessary, those changes should be made with a view to giving effect to them in connection with the future state of things. What is palpably unjust—I should rather say, outrageous—and the Courts which have issued injunctions have done so in due discharge of their powers and rights—is for a Legislature to sit and wrest summarily the powers which the Courts are exercising in accordance with the provisions of the existing law. I submit it is worse than robbery and free-bootery. Yesterday we made our attitude clear, and at this concluding stage while we are considering the last clause of the Bill, we are repeating our observations and with all the emphasis at our command we are asking the majority party of the House to at least at this fag end of this session rise to the height of the occasion and demonstrate at least the last vestige of the disappearing sense on the part of the cabinet, and I would also appeal to the members of the Coalition Party at least to shake off the bondage once in their life so that members of the cabinet who are fast being led into blind alleys by personal considerations may be presentable to the people at large at least on one occasion so that they may be able to say that the general criticism that has been offered by the Opposition has borne fruit and that the cabinet has at least tried to be responsive on one occasion.

With these words, Sir, I support Mr. Hashemy.

Mr. SHAHEDALI: Sir, I rise to submit that while the petition is before the District Judge, when this Act comes into force, the District Judge may order that the matter may be referred to a Special Judge. In that case, if a petition is filed before a newly appointed District Judge, it will be time-barred. So my submission is——

Mr. SPEAKER: Is there any time-limit to applications being filed to the Election Tribunal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. Within thirty days.

Sir, I do not want to waste the time of the House by repeating arguments which I have already advanced at an early stage of the

discussion of this Bill. (Mr. SASANKA SEKHAR SANYAL: We admit that these arguments are mere waste of time.) (Laughter from the Opposition Benches.)

Sir, I oppose the amendments.

The motions of Mr. Shahedali that clause 9(*1*) be omitted and that in clause 9(*2*), in lines 7 to 11, for the expression beginning with the words "a petition" and ending with the words "this Act" the following be substituted, namely:—

> "the suit or proceeding calling in question such election pending in the Civil Court, shall be considered a petition under section 18B as substituted by section 3 of this Act and the Civil Court shall transfer all the relevant papers to the Judge before whom the petition will lie,"

were then put and lost.

The question that clause 9 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1941, as settled in the Assembly, be passed.

Rai HARENDRA NATH CHAUDHURI: Sir, if I rise to speak at the fag-end of the day, it is not to take up the time of the House, but to enter our last emphatic protest against this pernicious measure.

Sir, it is on record that the Bill is going to be enacted to oust the jurisdiction of Civil Courts—not only to oust the jurisdiction of Civil Courts of the first instance, but to take away the right of appeal and even the right of having the proceedings revised by the High Court.

Sir, the very Statement of Objects and Reasons of the Bill starts with a clear misrepresentation. It runs as follows: "It has been the policy of Government that election disputes shall not be subject to dilatory and expensive Civil Court proceedings." Sir, it may be pertinent at this stage to ask since when such has been the policy of Government. But, we can gather from the next line that follows that it has been the policy of Government, or it is presumed to have been the policy of Government for a fairly long time. For, the next sentence runs as follows: "There is a special machinery set up under the Bengal Municipal Act, 1932, and the Calcutta Municipal Act, 1923, for deciding election disputes to the exclusion of the ordinary

Civil Court which is effectively debarred from interference in the internal administration of the local bodies governed under these Acts."

Now, Sir, so far as the reference to the Calcutta Municipal Act, 1923, is concerned, it is a misrepresentation and a downright misstatement, for the Calcutta Municipal Act does not provide for a special machinery. It provides, so far as I know, that election disputes should be decided by the Original Side of the Calcutta High Court and there is also, if I remember aright, provision for appeal to the Divisional Bench. That is in accordance with the general law. Therefore, when it is said that a special machinery has been set up under the Calcutta Municipal Act, 1923, for the trial of election disputes, that is a deliberate misrepresentation; it is an untruth.

Now, Sir, let me refer to the Bengal Municipal Act, 1932. Sir, when I referred to this Act as another Sir B. P. Singh Roy Act, my honourable friend got irritated, but, Sir, he ought to know the parliamentary mode of reference in accordance with which many Acts are called by the names of the sponsors of those measures. But perhaps he is not entitled to such dignity and, therefore, he may resent such reference, (Mr. SANTOSH KUMAR BASU: He is ashamed of his handiwork!) or as my honourable friend to the left suggests it may be that he is ashamed of his handiwork. He ought to be ashamed of it, for who does not know the history of the enactment of the Bengal Municipal Act of 1932? The original Bill, which was enacted long after in 1932 as the Bengal Municipal Act of that year, was sought to be introduced as the Bengal Municipal Bill in 1927. The Legislature at that time kicked out the measure. It was at the instance of this humble member who moved for the rejection of the Bill at the very first reading. (The Hon'ble Sir BIJOY PRASAD SINGH ROY: Why? On what ground?) I know the ground. You were not there. You were not even elected to that Legislature. I am not going to oblige you by allowing you to interrupt me here and now. (The Hon'ble Sir BIJOY PRASAD SINGH ROY: Please don't talk in the first person. It is nauseating.)

Mr. SPEAKER: I hope that there will be no talks across the table.

Rai HARENDRA NATH CHAUDHURI: In 1927 the original Bengal Municipal Bill was introduced, and it was at my instance, Sir, that the Bill was thrown out at the first reading. The Hon'ble Sir Bijoy Prasad Singh Roy may not be aware of that because his candidature was not accepted by his chosen constituency then, and he failed to get returned and therefore not being in that Legislature, he could not be aware of the proceedings of that time. (Mr. M. SHAMSUDDIN AHMED: Yes, that is a fact.) Sir, for five long years,

the Government of Bengal did not dare to bring forward again that Municipal Bill. It was only after the election of 1929, it was only after the Congress chose to walk out of the Legislature that the Government of Bengal dared to bring forward the Bengal Municipal Bill, with the Hon'ble Sir Bijoy Prasad Singh Roy as the Minister in charge of it. Therefore, Sir, I named the Act of 1932 as Sir B. P. Singh Roy Act. It was passed by a very obliging Legislature in which the Congress disdained to remain and to play any part.

Therefore, the question arises why should we be guided by the Bengal Municipal Act of 1932? The very provision, section 18B of the Bengal Local Self-Government Act, which is going to be amended by the present measure, that very provision, is of more recent date than the Bengal Municipal Act of 1932. The Hon'ble Sir Bijoy Prasad Singh Roy did not dare to place the fact before the House that section 18B of the Bengal Local Self-Government Act was introduced in the Local Self-Government Act by Act XXIV of 1932, whereas the Bengal Municipal Act is known as Act XV of 1932. Therefore, the Act which is going to be amended—I mean that portion of the Bengal Local Self-Government Act which is going to be amended—is a junior Act to the Bengal Municipal Act. Why therefore in further amending the Bengal Local Self-Government Act should we be guided by the policy and provision of the Bengal Municipal Act which is a senior Act to the Local Self-Government Act, so far as section 18B, which is going to be amended by the present measure, is concerned?

Now, Sir, simply because the Hon'ble Sir Bijoy Prasad Singh Roy was the author of the Bengal Municipal Act, 1932 (MR. SANTOSH KUMAR BASU: He was the commentator, nor the author.) no Legislature would be bound to consider that that was an ideal and a model enactment and that ought to be followed as if it was the very last word on the subject. Section 18B which is going to be amended by the present Bill is, as I have already said, a measure of recent date and no case has been made out why should it be replaced altogether and so soon.

And, Sir, many salutary provisions of that measure, viz. Act XXIV of 1932, are not going to be repeated here in this amending Act? Why those provisions are going to be omitted we do not know. The Hon'ble Sir Bijoy Prasad Singh Roy has not explained at any stage why those provisions are not going to find any place in this measure. For instance, Sir, one of the grounds on which an election could be set aside was that the nomination of an elected member was not legally made. But you will not find such a provision at all in this new measure. Section 18B as it stood up till now or rather the relevant portion of that section stated:—

"Save as hereinafter provided in this section, if, after due enquiry, the authority appointed under clause (*a*) of section 138 to decide

disputes relating to elections under this Act is of opinion that..... (c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of this Act or the rules made thereunder or by any mistake in the use of any form prescribed for an election, or (d)—and this is very material—the nomination of an elected member has not been legally made, the election of the returned candidate shall be void, etc."

But new 18D which is going to replace it refers only to improper acceptance or refusal of a candidate's nomination and makes it and all non-compliance with the Act and the rules grounds for declaring elections void only if they materially affect the results of the elections. It does not refer to illegal nomination. Therefore, the question arises why should the Government have a soft corner in their heart for illegal nominations? Why should not the Government permit the authority to set aside elections merely on the ground that the nomination of candidates had been illegal? The Government ought to explain why there is nothing like 18B(d) in the present measure.

You asked one of us, Sir, a few minutes ago to maintain a high standard of discussion in this House. What standard can we expect from a House in which the Government come forward not only to oust the jurisdiction of the Courts and even of the High Court, but also to enact a provision for the rejection of suits now pending before the Courts? Can there be anything so contemptuous of the proceedings of the Court as saying that the proceedings now pending before the Court should be considered as null and void? Is any standard of public decency going to be maintained by such a provision? Is it not a scandalous abuse of the legislative machinery to ask the House to pass such a measure? I, therefore, submit that there are no reasonable grounds for passing such a measure. It will not be an improvement on the present position. On the contrary, it will be a definite retrogression.

Not only that. I would refer in this connection to another point. Sir Bijoy Prasad Singh Roy is fond of quoting his own model. But, Sir, when Mr. Syed Jalaluddin Hashemy proposed that the initial deposit in an election case should be Rs. 50 only and should not be such a high amount as Rs. 100, Sir Bijoy would not agree to that proposal. There it will be seen that the Bengal Municipal Act has not been followed. For if you turn to section 36 of the Municipal Act, you will find that the initial deposit required is only a deposit of Rs. 50 and not Rs. 100, and yet Sir Bijoy Prasad Singh Roy is never tired of quoting that Act on the floor of the House and asking the House to pass this measure on the model of his pet handiwork. It is unfortunate, Sir, that Sir Bijoy Prasad Singh Roy who is an

experienced Minister and who has got some experience of handling Local Self-Government measures should be dancing to the tune of a reactionary coterie of Dacca to promote their personal ends. It is still more unfortunate that he and his Government cannot maintain the dignity of the House which you are asking us to maintain.

With these words, I, on behalf of the Opposition, would refuse to agree to the third reading of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have never found my friend Rai Harendra Nath Chaudhuri so much excited as to-day. I fail to understand what was the justification of so much excitement. He made references to me personally more than once.

Mr. SANTOSH KUMAR BASU: Every one cannot be so cold-blooded as you are.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He spoke very much with reference to the first person singular, that is what he did or what he did not do. The Bengal Municipal Bill was withdrawn by Government in 1923 or 1924.

Rai HARENDRA NATH CHAUDHURI: In 1927.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Why was it withdrawn? Speaking from memory——

Rai HARENDRA NATH CHAUDHURI: It was thrown out.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Why? The main ground on which it was thrown out was the introduction of separate electorates in that Bill.

Rai HARENDRA NATH CHAUDHURI: No.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes. I had the privilege of introducing joint electorate with reservation of seats and the Bill went through the Legislature with the support of all parties.

Mr. SPEAKER: That is enough, Sir Bijoy. You have also got another motion.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the Bengal Local Self-Government (Amendment) Bill, 1941, as settled in the Assembly, be passed, was then put and a division taken with the following results:—

AYES—105.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alhazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Qadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Sarwar Hossini, Mr. Shah Syed.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Golam Robbani Ahmed Maulvi.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Ispahani, Mr. M. A. H.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Miles, Mr. O. W.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rezaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Spefler, Mr. J. H.
Shamsul Huda, Maulana.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Stevens, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Stark, Mr. A. F.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yeeouf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—55.

Abdul Hakeem, Mr.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. Satya Priya.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Masiruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukerjea, Mr. Taraknath, M.B.E.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Ra Bahadur Kshirod Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sarkar, Mr. Nalini Ranjan.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

The Ayes being 105 and the Noes 55, the motion was carried.

The Bengal Legislative Assembly Procedure Rules.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move for leave to propose the following proviso to rule 73 of the Bengal Legislative Assembly Procedure Rules, namely:—

"Provided that if the Assembly is not in session, it shall not be necessary to lay copies of the Bill on the table, but copies of the Bill when received by the Assembly shall forthwith be made available to the members."

(There was no objection, and leave was granted.)

The Bengal Pure Food Bill, 1940.

Mr. SPEAKER: There is just one point to which I would like to refer. My attention has been drawn to the personnel of the Select Committee on the Bengal Pure Food Bill, 1940. In arrangement with the Krishak-Proja Party, as the party wants to be represented on the Select Committee, it is suggested to add the name of Mr. Syed Hassan Ali Chowdhury. Is there any objection?

(The proposal was agreed to, no objection being raised.)

Reply from General Wavell to the message of congratulation sent from the Assembly.

Mr. SPEAKER: There is just one other matter to which I should like to refer. In reply to our message of congratulation sent to General Wavell, the following message has been received from him:—

"Please ask Governor of Bengal to convey to Bengal Legislative Assembly my deep appreciation to their messages of rejoicing on the success of the operations in Eritrea and Abyssinia. Their messages of congratulation are being communicated to the Indian troops engaged in these operations whose gallantry has been in accordance with the highest traditions of the Indian Army and will be a source of further encouragement to them."

Prorogation.

Mr. SPEAKER: I have it in command from His Excellency the Governor that the Assembly do stand prorogued.

B G Press—1941-42—2579A—695.

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